

10 Ja
STATUTA PACIS:

Or

A perfect Table of all the Statutes (now in force) which any way concerne the Office of a
JUSTICE of Peace.

5/6 0/10
Cleerly also setting down the severall duties of Sherifffes, Head-officers of Corporations, Stewards in Leets, Constables, and other Officers, so far forth as the said Statutes do in any sort concern them.

5/5
Faithfully collected, and alphabetically digested under apt Titles.

By E. W.

Horace.

*Quicquid præcipies esto brevis, ut citò dicta
Percipiant animi dociles, teneantque fideles.*

LONDON,

Printed by M. Fleisher and J. Young.
An. Dom. 1644.

England - Laws &
Statutes - V Calendars
and Indexes

5/6 a 10.

7





The Preface.



*Let this Table hold
forth to publike view a
perspicuous Compen-
dium of such a forme
of subordinate govern-
ment, for the tranquil-
lity and quiet of this
Realm, as no part of
the Christian world hath the like, as Sir Ed-
ward Cook affirmeth in the last part of his
Institutes, cap. 31. Nevertheless, the Au-
thor thereof would not have been guilty of so
much presumption, as to have suffered it to
see the light, had he not been earnestly impor-
tuned so to doe by a worthy friend of his, very
well experienced in that kind of Government;
upon this assurance, that it might be usefull,
not only for him that made it, as most Tables
are; but likewise for all others, that desire to
be acquainted with the jurisdiction of Justices*

The Preface.

of Peace ; as well those who are to govern by it, as others that are to yeeld obedience unto it. For in this little volume you may readily discover the substance of all the Statutes (now in force) which any way concern the Office of a Justice of Peace, alphabetically digested under proper Titles, and set down in order of time, as they were made.

In tenui, sed non tenuis fructuſive, laborve.

Howbeit, professing it self nothing else but a Table, let the Reader be admonished not to depend too much upon the letter thereof ; but rather to have recourse to the Statutes at large, when and as often as he shall make the least scruple or doubt of any thing therein abridged: Nevertheless, it is confidently beleeved, that he shall find the sence of the Statutes therein mentioned, to be as plainly and fully reported as can possibly be expected from a Table: And forasmuch as a Just. of P. receives Instructions for the execution of his Office, not only from statute-law, but likewise from his Commission and Oath of Office, behold them also here premised; to the end that upon view of all of them together, hee may be cleerly directed what course to run. The Commission, as it was reformed Ter. Mich

The Preface.

32, & 33. Eliz. by all the then Judges of England, (as is testified by Sir Edward Cook, ubi supra) hereafter followeth in these words ;

Carolus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor, &c. Prædilecto & fideli A.B. &c. necnon C.D. E.F. &c. salutem. Sciatis, quod assignavimus vos, conjunctim & divisim, & quemlibet vestrum Justiciarios nostros ad pacem nostram in Comitatu nostro B. conservandam, ac ad omnia ordinationes & statuta pro bono pacis nostræ, ac pro conservatione ejusdem, & pro quieto regimine & gubernatione populi nostri edita, in omnibus & singulis suis articulis in dicto Comitatu nostro (tam infra libertates, quam extra) juxta vim, formam, & effectum eorundem, custodiendum, & custodiri faciendum. Et ad omnes, contra formam ordinationum vel statutorum illorum aut eorum alicujus, in Comitatu prædicto delinquentes, castigandum & puniendum, prout secundum formam ordinationum & statutorum illorum fuerit faciendum, Et ad omnes illos qui alicui, vel aliquibus de populo nostro de corporibus suis, vel de incendio

The Preface.

dio domorum suarum, minas fecerint, ad sufficientem securitatem de pace vel bono gestu suo erga nos & populum nostrum inveniendam coram vobis, seu aliquo vestrum venire faciendum: Et si hujusmodi securitatem invenire recusaverint, tunc eos in prisonis nostris (quousque hujusmodi securitatem invenerint) salvo custodiri faciendum.

Assignavimus etiam vos, & quolibet duo, vel plures vestrum (quorum aliquem vestrum A. B. C. D. E. F. &c. unum esse volumus) Justiciarios nostros ad inquirendum per Sacramentum proborum & legalium hominum de Comitatu prædicto (per quos rei veritas melius sciri poterit) de omnibus & omnimodis felonis, veneficiis, incantationibus, sortilegiis, arte magica, transgressionibus, forstallariis, regratariis, ingrossariis, & extortionibus quibuscunque: Ac de omnibus & singulis aliis malefactis & offensis (de quibus Justiciarii pacis nostræ legitime inquirere possunt, aut debent) per quoscunque & qualitereunque in Comitatu prædicto factis sive perpetratis, vel imposteriorum ibidem fieri vel attem-

ptari

The Preface.

ptari contigerit : Ac etiam de omnibus illis qui in Comitatu prædicto in conventiculis contra pacem nostram, in perturbationem populi nostri, seu vi armata ierunt, vel equitaverunt, seu imposterum ire vel equitare præsumpserint : Ac etiam de omnibus iis, qui ibidem ad gentem nostram mayhemandum vel interficiendum in insidiis jacuerunt, vel imposterum jacere præsumpserint : Ac etiam de hostellariis, & aliis omnibus & singulis personis, qui in abusu ponderum vel mensurarum, sive in venditione victualium, contra formam ordinationum & statutorum, vel eorum alicujus inde pro communi utilitate Regni nostri Angliæ & populi nostri ejusdem editorum deliquerunt, vel attemperaverunt, seu imposterum delinquere, vel attemperare præsumpserint in Comitatu prædicto : Ac etiam de quibuscunque Vicecomitibus, Ballivis, Seneschallis, Constabulariis, custodibus Gaolarum, & aliis Officiariis, qui in executione Officiorum suorum (circa præmissa seu eorum aliqua) indebite se habuerint, aut imposterum indebite se habere præsumpserint ;

The Preface.

rint ; aut tepidi, remissi, vel negligentes fuerint, aut impofterum fore contigerit in Comitatu prædicto : Et de omnibus & fingulis articulis & circumstantiis, & aliis rebus quibuscunque, per quoscunque & qualitercunque in Comitatu prædicto factis five perpetratis, vel quæ impofterum ibidem fieri vel attemptari contigerit, qualitercunque præmissorum vel eorum alicujus concernentibus plenius veritatem : Et ad indictamenta quæcunque sic coram vobis, seu aliquibus vestrum capta five capienda, aut coram aliis nuper Justificariis pacis in Comitatu prædicto facta five capta (& nondum terminata) inspiciendum : Ac ad processus inde versus omnes & singulos sic indictatos, vel quos coram vobis impofterum indictari contigerit (quousque capiantur, reddant se, vel utlagentur) faciendum & continuandum : Et ad omnia & singula felonias, veneficia, incantationes, sortilegia, artes magicas, transgressiones, forstallarias, regratarias, ingrossarias, extortiones, conventicula, indictamenta prædicta, cæteraque omnia & singula præmissa secundum leges.

The Preface.

ges & statuta Regni nostri Angliæ (pro-
ut in hujusmodi casu fieri consuevit aut
debit) audiendum & terminandum,
& ad eosdem delinquentes & quemli-
bet eorum, pro delictis suis, per fines,
redemptiones, amerciamenta, forisfa-
cturas, ac alio modo (prout secundum
legem & consuetudinem Regni nostri
Angliæ, aut formam ordinationum vel
statutorum prædictorum fieri consue-
vit aut debuit) castigandum & puni-
endum.

Proviso semper, quod si casus diffi-
cultatis super determinatione aliquo-
rum præmissorum coram vobis, vel ali-
quibus duobus vel pluribus vestrum e-
venire contigerit; tunc ad iudicium
inde reddendum (nisi in præsentia u-
nius Justiciariorum nostrorum, de uno
vel de altero Banco, aut unius Justi-
ciariorum nostrorum ad Assisas in Co-
mitatu prædicto capiendas assignato-
rum) coram vobis vel aliquibus duo-
bus vel pluribus vestrum minime pro-
cedatur.

Et ideo vobis, & cuilibet vestrum
mandamus, quod circa custodiam pacis,
ordinationum, statutorum, & omni-
um

The Preface.

um & singulorum ceterorum præmissorum diligenter intendatis, & ad certos dies & loca quæ vos vel aliqui hujusmodi, duo vel plures vestrum (ut prædictum est) ad hoc provideritis, super præmissis faciatis inquisitiones, & præmissa omnia & singula audiat, & terminetis, ac ea faciatis & expleatis in forma prædicta; facturi inde quod ad justiciam pertinet, secundum legem & consuetudinem Regni nostri Angliæ: Salvis nobis amerciametis, & aliis ad nos inde spectantibus.

Mandamus etiam tenore præsentium Vicesomiti nostro B. quod ad certos dies & loca (quæ vos vel aliqui hujusmodi duo vel plures vestrum, ut prædictum est, ei ut prædictum est, scire feceritis) venire faciat coram vobis, vel hujusmodi duobus vel pluribus vestrum (ut dictum est) tot & tales probos & legales homines de Balliva sua (tam infra libertates quam extra) per quos rei veritas in præmissis melius sciri poterit & inquiri.

Assignavimus denique te præfatum I. C. custodem Rotulorum pacis nostræ

The Preface.

Ita in dicto Comitatu nostro: Ac propterea tu, ad dies & loca prædicta, brevia, præcepta, processus, & indictamenta prædicta, coram te & dictis sociis tuis venire facias, ut ea inspiciantur, & debito fine terminentur, sicut prædictum est. In cujus rei testimonium, &c.
Datum, &c.

As concerning the Oath of Office, Justices of Peace were at first enjoyned to take it, by the Statute of 13. R. 2. 7. which Statute you may hereafter see in Title Justices of Peace, Clause 16. And afterwards by the Statutes of 1. Eliz. 1. and 7. Jac. 6. they were also ordained to take the Oathes of Supremacie and Obedience, which Oathes you shall also hereafter finde in Title Recusants, 8, and 38. The Oath of Office is this that followes;

Yee shall sweare, That as Justice of the Peace in the Countie of B. in all articles in the Kings Commission to you directed, yee shall doe equall right to the poore and to the rich, after your cunning, wit, and power, and after the lawes and customes of the
Realm,

The Preface.

Realme, and statutes thereof made : And yee shall not be of counsell of any quarrell hanging before you : And that yee hold your Sessions after the forme of Statutes thereof made : And the issues, fines and amerciaments that shall happen to be made, and all forfeitures which shall fall before you, yee shall cause to be entred without any concealment or imbezzelling, and truely send them to the *Kings Exchequer*. Yee shall not let, for gift or other cause, but well and truely you shall doe your Office of *Justice* of the *Peace* in that behalfe : And that you take nothing for your Office of *Justice* of the *Peace* to be done, but of the King, and fees accustomed, and costs limited by the Statute : And yee shall not direct or cause to be directed any Warrant (by you to be made) to the parties, but ye shall direct them to the Bailiffes of the said County, or other the *Kings* Officers (or ministers) or other indifferent persons to doe execution thereof. So help you God.

Lastly, for conclusion of this Preface, I conceive it not impertinent to annex there-

unto

The Preface.

unto the substance of two Statutes, necessary to be knowne by every Iustice of Peace before he enters upon his Office; the first is 2. H. 5. Stat. 2. Cap. 1. which provides, That Justices of Peace shall be made of the most sufficient persons dwelling within the Counties, by the advice of the Chancellour, and of the Kings Counsell; and that no forraine dweller shall exercise such Office, except Lords, Justices of Assise, and chiefe Stewards of the lands and Seigniories belonging to the Duchie of Lancaster. And concerning their residence in the Country, see more hereafter in Title Justices of Peace, 20. The other Statute is 4. H. 7. cap. 12. whereby the King commandeth all Justices of Peace diligently to exercise their Office; to the end, that his people by that meanes living in peace, and enjoying their owne, husbandry may flourish. Hee also chargeth all, both poore and rich, that shall suffer any grievance from others (wherein a Justice of Peace may intermeddle) that they forthwith make complaint thereof to the next Justice of Peace, and having no remedie there, to the Justices of Assise,

The Preface.

Affise, if it be not long before their coming into that Country ; but if it be, then to the Chancellour for the time being, and then the King will send for the Justice so neglecting his duty ; and in case he shall find him guilty thereof, will cause him to be put out of the Commission, and otherwise punished according to his demerits, &c.

An



An Alphabetical Table, by the
perusall whereof the Reader may the
better acquaint himselfe with
the Titles contained in
this Book.

A		Beer	18
A	Pjuration 1	Bell-metall	18
	Actions popular 1	Benhurst hundred	18
Ale-houses	4	Bigamie	18
Aliens	10	Boat-men	18
Almes-houses	10	Books	21
Archery	10	Bowes	23
Apprentices	12	Brasse	23
Armour	12	Bridges	25
Arrests	12	Brewers	26
Arrow heads	13	Buggery	27
Artificers	13	Burglary	27
Affise of Ale and Beer	13	Burning of houses &c.	28
Attainders	13	Butchers	29
B		Butter	29
Badger	13	Buts	30
Bailiffes	14	Buying of Tiles	30
Bailment	15	C	
Bakers	17	Calves	30
Barges	17	Captains	30
Bastardie	17	Carre-men	41
		Carrier	

The Titles.

Carrier	41	Ks. seal or coin	53
Cattle	41	Coupers	53
Certificate	44	Crosse-bowes	54
Cerciorari	44	Currier	54
Challenge	45	Curling	54
Champertie	45	Custome, Customers	
Cheese	45		54
Citation	45	Cutpurse	54
Clergie	45	Cutting out of tongues,	
Clerk of the Peace	48	&c.	54
Clerk of the Crowne		Cutting of a pond head	
	48		54
Clerk of Assise	48	D	
Clerk of the Market		Deeds	55
	48	Deer	55
Cloth	48	Divine Service	55
Coinc	48	Dying, Dyers	55
Commons	48	Drapery	55
Commissions	48	Drover	59
Conies	49	Drunkennesse	59
Conjuration	49	E	
Conspiracie	49	Ecclesiasticall Court	
Conspirators	49		60
Convictions	49	Egyptians	61
Cooks	49	Embracery	62
Copper	49	Endictments	62
Corn	49	Enquests	62
Coroners	51	Escapes	62
Costermongers	52	Escheators	62
Cottages	52	Estreats	63
Covin	53	Excommunicate per-	
Counterfeit letters &c.		sons	64
	53	Extortion	64
Counterfeiters of the			

Faires

The Titles.

F		Horfes	98
Faires	64	Hospitals	103
Fasting-dayes	64	Hostlers	102
Feasants	64	Houses of Correction	
Felonie	65		103
Felons goods	67	Huy and Crie	103
Fighting and quarrel- ling	67	Hunters, Hunting	105
Fish, fishers, fishing,	68	I	
Fish dayes	73	Jesuits	108
Fishmongers	75	Images	108
Force, forcible entry	75	Imbezelling of a Re- cord	108
Forrests	77	Imbracery	108
Forestallers	77	Indictments	108
Franchises	80	Informations	109
Fruiterers	80	Ingrossers	110
Fuell	80	Inholders	110
G		Inmates	111
Games	81	Inquests	111
Gao'e, Gaolers	81	Inrolements	111
Gold, Gold-smiths	81	Inventories	111
Grain	82	Jurors	112
Green wax	82	Justices of Peace	113
Guns	82	K	
Gunners	85	Kidder	119
H		Kings Bench	119
Habeas corpus	85	L	
Hares	85	Labourers	119
Hats	85	Lader	132
Hawkes	85	Larcenie	132
Herring	92	Latten	132
High-wayes	92	Leather	133
Holidayes	97	Letters of Administra- tion	144
Horse bread	98	Liberties	

The Titles.

Liberties	144	Partridges	160
M		Paving	160
Mainprise	145	Penall Statutes	160
Maintenance	145	Perjurie	160
Malt	150	Petty Treason	162
Marches	148	Pewter	162
Mariners	149	Physicians	162
Markets	149	Pillory	163
Marshals of the Kings		Plague	163
Bench	149	Playes	165
Marshallie	149	Ponds	167
Marshes	149	Poor people	167
Masons	149	Poulters	172
Matrimony	149	Powdike in Norfolke	
Measures	152		172
Millers	152	Poysoning	172
Money	152	Presentments	172
Mortuaries	153	Priests	172
Murder	154	Prisons, Prisoners	173
N		Pr. bat of Wils	175
Newes	156	Processe	175
O		Prophecies	175
Oatmeale	156	Purveyors	176
Oathes	155	Putting out of eies	188
Old field dike in the		Q	
Isle of Ely	156	Quarrelling	188
Ordinary	156	Quarter Sessions	188
Outlawed persons	157	R	
Outlawries	157	Rape, Ravishment	188
P		Record	190
Pannell	157	Recusants	190
Pardon	157	Regtrators	224
Parks	158	Riots	224
Parliament	159	Robbery	229
		Rogues	

The Titles.

Rogues	229	Tithes	248
Rome	230	Toll	248
S		Transportation	248
Sacraments	230	Treason	249
Sacrilege	237	Trespasse	249
School-masters	237	V	
Scotland	237	Vagabonds	250
Seminary Priests	237	Victuall, Victuallers	259
Servants	237	Vintners	261
Service divine	237	Under-Sheriffe	262
Sewer	237	Usury	262
Sheep	238	W	
Sheriffes	238	Wages	264
Shipwrights	243	Wagoner	264
Shoemaker	243	Wainman	264
Silver	243	Wales	264
Skinners	243	Warrens	265
Souldiers	243	Watches	265
Stabbing	244	Watermen	266
Stewards of Leets	244	Wax	266
Strangers	244	Weares	266
Superstitions	244	Weights	266
Sundayes	245	Wild fowle	283
Swans	245	Wines	283
Swearing	245	Witchcraft	285
T		Witnesse	286
Tanner	246	Wood	286
Testimoniall	246	Wooll	286
Tiles	246	Writs	286
Tinne	247		

FINIS.

ERRATA.

Page 40. line 7. read 33. and l. 33. r. 39. p. 52. l. 5, & 6. r. land, being free-hold and inheritance. p. 56. l. 4. r. 39. El. p. 69. l. 10. r. conservators of the Statutes. p. 70. l. 32. r. former. pag. 88. l. 26. r. Stewards in Leets. p. 103. l. 6. r. felons. p. 105. l. ult. r. before himselfe. p. 116. l. 12. r. Bameret. p. 120. l. 5. r. within like time, shall. p. 150. l. 11. r. of this Statute. & l. 12. r. after it. p. 152. l. 22. r. from the King. p. 163. l. 19. r. of them. p. 167. l. 21. r. by two. p. 225. l. 33. r. 13. H. 4. p. 236. l. 32. r. 26. p. 238. l. 20. r. by the. p. 252. l. 28. r. as shall be assigned by six or more of the privie Councell, whereof the Lord Keeper, &c.

STATUTA PACIS:


Or

A perfect Table of all the Statutes (now in force) which any way concern the Office of a Justice of Peace.

Abjuration, *see Title* Bailment 1.

Hunters 1. Recusants 51, 52, 58, 61, 62, 69. *and* Weights 18.

Actions popular, *and* Informations.

I.  Cat. 4. H. 7. cap. 20. Recovery in an action popular by Covin shall be no bar of an action sued for the same thing *bona fide*.

II. Here the defendant attainted of collusion shall suffer two yeers imprisonment to be prosecuted within one year.

III. No release of a common person shall in this case discharge an action popular.

IV. Yet no collusion is in this case averrable, where the point of the same action, or the collusion it self hath been tried by verdict.

B

V. Stat.

V. Stat. 18. El. 3. An Informer shall exhibite his suit in proper person, and pursue it by himself, or by his Attorney in Court, and that by way of information or originall action, and shall have no deputie; and all this in pain of 10. l. and the pillory.

VI. A note of the time of exhibiting the Information shall be truly taken, and from thenceforth it shall be accounted to be of record, before which time no proccesse shall issue out upon it.

VII. The Clerk that makes out the proccesse shall endorse the Informers name, and also the statute upon which the information is grounded, in pain of 1 l.

VIII. No Jury shall appear at Westminster for a tryall upon any penall law, when the offence was committed above 30. miles from Westminster, except the Attorney generall, for some reasonable cause, require the same, Clause 17, 18.

IX. No Informer shall compound with any defendant before answer; nor then, but by consent of Court, in pain of 10. l. and the pillory.

X. Where the Informer delays or discontinues his suit, or otherwise is non-suit, or overthrown, the Court shall assigne costs to the defendant, to be immediatly levied by execution issuing out of the same Court.

XI. Justices of Oyer and Terminer, Just. of Ass. and Just. of Peace in their Sessions have power to hear and determine these offences.

XII. This

Actions popular.

3

XII. This Act shall not reſtrain Actions brought for maintenance, Champerty, buying of Titles, or Imbracerie, nor any certaine perſon, or body politique, to whom any forfeiture or penaltie is eſpecially limited, nor certaine officers, which have lawfully uſed to exhibite Informations 15. and 18.

XIII. Stat. 31. El. 5. Informers heretofore reſtrained by order of any Court, ſhall not purſue Actions popular. 3.

XIV. In popular Actions the offence ſhall be layed to be done in the Countie, where indeed it was done; or otherwiſe, if the defendant traaverse and diſprove that point, the plaintiffe ſhall be barred. 18.

XV. This Act doth not reſtrain officers, which have lawfully uſed to exhibite informations, nor Actions brought for Champertie, buying of Titles, extortion, offences againſt the ſtat. of 1. El. 11. (concerning the right landing of Marchandize and cuſtome of ſweet wines) concealing of Cuſtomes, &c. corrupt Uſury, Foreſtalling, Regrating, or Ingroſſing, when the penaltie ſhall amount to 20 l. or above: For in all theſe caſes the offence may be laid in any County. 18.

XVI. Popular Actions, where the King onely hath the forfeiture, ſhall bee commenced within two yeares; where he hath onely a part, and the Informer the reſt, within one yeare; and in this laſt caſe upon default of proſecution, the King hath two yeares after that one yeare: but this is to be underſtood, where a ſhorter time is not limited by any ſtat.

B 2

XVI All

This

XVII. All sutes for using unlawfull games, or any Art or Mystery without being brought up in it, and for not having Bowes and Arrowes according to the statute, shall be prosecuted at the Assises or Sessions of the Countie, or at the Leete, within which the offence was committed, and not elsewhere. 18.

4. XVIII. Stat. 21. Jac. 4. Actions popular shall be prosecuted before Just. of Ass. *Nisi prius*. G.D. Oyer and Ter. or of P. onely in the Counties, where the Offences were committed, except for Recusancie, maintenance, Champertie, buying of Titles, concealing of Customes, &c. or transporting of Gold, Silver, Munition, Wooll, Woollfels, or Leather.

XIX. Upon default of proving, that the Offence was committed in the same Countie, the defendant shall be found not guilty.

XX. The Informer shall make oath, that the offence was committed in the same Countie, where the Action is laied, and within one year before the sute commenced.

XXI. The defendant in a popular Action may plead the generall issue, and yet give speciall matter in evidence.

Alchouses. Drunkenesse.

1. I. Stat. 5. & 6. E. 6. 25. None shall keepe Alehouse without Licence granted either in Sess. or by 2. Just. (1. Qu.) in paine of 3. dayes Imprisonment without Baile, and not to be enlarged without Recognisance by himselfe and two Sureties, that he shall not keepe Alehouc

Alehouse any longer; the certificate of which recognisance and offence shall be a sufficient conviction at the Qu. Sess. to fine him. xx. s. 30.

II. The Qu. Sess. or two such Justices have power to put downe Alehouses at their discretion, and to take Bond and suretie of Alehouse-keepers by Recognisance, that they use not unlawfull games, or other disorder in their houses, for which Recognisance the parties bound shall pay 12. d. and whereof certificate shall be made at the next Qu. Sess. by the two Justices, that take it, in paine of five markes.

III. Just. of P. have power to inquire after the breach of this last Recognisance, to award processe thereupon, and to heare and determine the same at their discretions.

IV. This Act shall not restraine the selling of Ale and Beere in Townes where Faires are kept, during the time of the Faire. 34.

V. Stat. 1. Jac. 9. No Innekeeper, Victualler, or Alehousekeeper shall suffer any town-dwellers to sit tippling in his house, in paine of x. s. nor sell lesse then a full Ale quart of the best Ale or Beere, or two quarts of the small for one penny, in pain of 20. s. And here, the view of one Justice, or prooffe by two witnesses upon oath before one Justice, is sufficient conviction. 16. 22. 23. & 28.

VI. The penalties aforesaid are given to the poore of the parish, where the offence is committed, and are to be levied by the Constable, and Churchw. by distresse, which (after six dayes) may bee sold to satisfie the penaltie:

and for default of distresse the partie delinquent must suffer imprisonment, till hee pay the penaltie.

VII. Here, every officer that neglects to levie the said penalties, or to certifie (within 20. daies) the default of distresse shall forfeit likewise to the poore xl.s. to be levied (upon warrant from one Justice) by distresse, and sale, as aforesaid, and upon default of distresse shall incurre commitment, as before.

VIII. The Officers, or other parties receiving these penalties shall be accomptable to the succeeding Officers, and other parishioners.

IX. None shall intermeddle to put this Act in execution within either of the Universities, save onely the Magistrates of the same.

3. X. Stat. 4 Jac. 4. None shall sell Ale or Beere to an unlicensed Alehouse-keeper, save only for the expence of his household, in paine of 6.s.8.d. for every Barrell, and so more or lesse according to that proportion.

XI. This Offence shall bee prosecuted in the Qu.Sess. and the forfeiture shall be equally divided betwixt the prosecutor and the poore of the Parish.

XII. The Officer that shall levie the poores Moity shall deliver it to the Churchwardens and Overseers of the Parish, or one of them, and they shall in convenient time make distribution thereof to the poore, in paine that both the Officer and they shall forfeit respectively double the value of that Moity,

ty,

ty, to be recovered and imployed, as afore-
said.

XIII. Stat. 4. Jac. 5. One convicted of 4.
Drunkennesse in Court, or before a Judge, or
Justices in their severall limits, shall forfeit
v.s. to the poote, to be levied and imployed, as
the penalties of 1. Jac. 9. and in case hee be
not able to pay it, shall remaine in the stocks
six houres. 6. 7. and 28.

XIV. Here the officer which neglects to
levie the said penaltie shall forfeit 10.s. to be
levied and imployed, as afore said.

XV. A towne-dweller, which is convict to
sit tippling in any Inne, Victualling house, or
Alehouse, by the view of one Justice, or the
prooffe of two witnesses, shall forfeit ten
groates, to be levied and imployed, as afore-
said, and being not found able to pay it, shall
remaine in the stocks foure houres. 24.

XVI. These offences, as also those mentio-
ned in 1. Jac. 9. shall be inquired of, heard,
and determined at the Assises, at the Sessions,
in corporate townes, and in Leetes.

XVII. One convicted the second time of
drunkennesse shall be bound in ten pounds
with two sureties to the good behaviour. 25.

XVIII. All Constables, Churchwardens,
Headboroughs, Tithingmen, Ale-cunners and
Sidemen, shall bee charged in their oathes to
present the said offences. 27.

XIX. This Act shall not restraine Ecclesi-
asticall Jurisdiction, nor the two Universities.

XX. None shall be twice punished for one
offence.

XXI. The offenders against this Act shall be prosecuted within six months.

5. XXII. Stat. 7. Jac. 10. An Alehouse-keeper lawfully convicted for any of the offences forbidden by the stat. of 1. Jac. 9. or 4. Jac. 5. shall be disabled to keepe Alehouse within three yeeres after. 26.

6. XXIII. Stat. 21. Jac. 7. One witnesse, or the parties owne confession, shall be sufficient to prove the breach of 1. Jac. 9. and 4. Jac. 5. and the oath of the partie confessing shall bee sufficient to convince any other.

XXIV. No person whatsoever shall sit tippling, in any Inne, Alehouse or victualling house, in paine of the forfeiture mentioned in 4. Jac. 5. to be levied and imploied, as there is expressed. And here the view of one Justice, the parties owne confession, or prooffe by one witnesse, shall be sufficient conviction. The delinquents oath shall likewise be taken to convince any other.

XXV. The like view, prooffe, or confession shall convince a drunkard, as well for the penaltie of 5. s. as for the binding of him to the good behaviour according to 4. Jac. 5.

XXVI. An Alehouse-keeper offending against 1. Jac. 9. or 4. Jac. 5. according to the alterations of this Act is disabled to keepe Alehouse within three yeeres after.

XXVII. All Constables, Churchwardens, Headboroughs, Tithingmen, Ale-cunners, and Sidemen shall be charged in their oathes to present the offences committed against 1. Jac. 9. and 4. Jac. 5. according to the alterations of this Act.

XXVIII. Stat.

Alehouses.

9

XXVIII. Stat. 1. Car. 4. The Inne-keeper, 7.
Alehouse-keeper, or Victualler which suffers
any person whatsoever to sit tippling in his
house shall incur the penaltie of 1. *fac. 9.* to
be proved, levied and imployed, as in that sta-
ture is appointed.

XXIX. Vintners which doe also keepe
Innes, or Victualling houses shall bee taken
to be within this Act, as also within the stat.
of 1. *fac. 9.* and 4. *fac. 5.*

XXX. Stat. 3. Car. 3. None shall keepe 8.
Alehouse without licence, in paine to forfeit
20. s. to the poore, which the Const. and
Churchw. (upon warrant from the Justice
before whom the offence is proved) shall levie
by distresse, which (within three daies) may
be sold to satisfie the penaltie: And in case
the delinquent hath not wherewithall, the
said Justice shall commit him to the Const.
to be openly whipped. And here, the view of
one Just. the confession of the partie, or prooffe
by two witnesses is sufficient Conviction.

XXXI. Here the officer, that neglects to
execute the warrant, or to punish the offender,
shall suffer imprisonment without baile, or
pay 40. s. to be imployed as aforesaid.

XXXII. In this case if the Alehouse-keeper
offend the second time, he shall be commit-
ted to the house of correction for one Month,
and for the third offence shall not be thence
enlarged, but by order of Sessions.

XXXIII. The Offender once punished by
this Act shall not bee againe punished by
5. & 6. E. 6. 25. & *contra.*

B 5

XXXIV. This

XXXIV. This Act shall not restraine the selling of Ale and Beere in Faïres.

Aliens, s. Archerie, 9. & Brasse, 9. & Viſtuall, 3.

Almes-houses, s. Poor people, 15.

Archerie.

I. Stat. 33. H. 8. 9. Parents, and Masters shall provide for each of their sons and male-servants (betwixt the ages of 7. and 17.) a Bow and two shafts, and cause them to exercise shooting, in paine of 6. s. 8. d.

II. Sonnes and maleservants (betwixt the ages of 17. and 60.) shall be furnished with a Bow and two Arrowes, and practise shooting therewith, in paine of 6. s. 8. d.

III. None under the age of 24. yeares shall shoot at any standing marke (except at Rovers, changing his marke every shoot) in paine of 4. d. a shoot, and none above that age shall shoot at any marke of 11. score distance or under, in paine of 6. s. 8. d. a shoot.

IV. None under the age of 17 yeares shall shoot with a Bow of Ewe, except his parents be worth 10. l. *per Annum* in lands, or 40. markes in goods, in paine of 6. s. 8. d.

V. The Inhabitants of every towne shall continue their Buts in good repaire, in paine of 20. s. for every three months default.

VI. For every Bow made of Ewe, the Bowyer not inhabiting in *London* or the Suburbs thereof

Archerie. II

thereof shall make foure, and the Inhabitant there two Bowes of other wood, in paine to forfeit for every such Bow unmade 3. s. 4. d. 12.

VII. Fletchers of *London* may sell seasonable timber to forraigne Fletchers without prejudice.

VIII. Artificers of Archerie (not Freemen, nor paying scot and lot) shall remove their abode from *London*, and the Suburbs thereof to what other place they shall be assigned by his Majesties Councell, the Lord Chancellor, Treasurer, Privy Seale, or one of them, in paine of xl.s. for every day they make their abode contrarie to this Act.

IX. Aliens shall not convey Bowes and Arrowes out of the Realme without his Majesties Licence, in paine of Imprisonment without baile, untill they shall make fine to the King, to be set by (at least) two Justices in Sessions, or give security for the same; neither shall they use shooting, in paine to forfeit their Bowes and Arrowes to bee taken from them by any of the Kings Subjects.

X. Justices of Ass. G. D. and of P. in Sess. and Stewards in Leets shall heare and determine the Breach of this Act.

XI. The one Moity of all these forfeitures is given to the prosecutor, and the other, where there is no Leet, is given to the King, and where there is a Leet, to the Lord of that Leet.

XII. Stat. 8. E. 10. The clause of 2. 33. H. 8. 9. which enjoynes to make Bowes

12 Armour, Armed men.

of other wood then Ewe, shall not binde any Bowyer dwelling in London, Westminster, or Southwarke.

S. Arrowheads 1. Actions papu-
lar 17.

Apprentices, s. Labourers.

Armour, Armed men.

1. I. Stat. 2. E. 3. 3. None shall come with force and Armes before the Kings Justices, or other his Ministers, nor goe or ride armed in affraie of peace, in paine to forfeit their Armour, and to suffer imprisonment at the Kings pleasure.

II. Justices of P. and other officers have power to put this Act in execution, and the Justices of A. shall inquire of their default in that behalfe.

2. III. Stat. 7. R. 2. 13. None shall ride in Harnesse, contrary to 2. E. 3. 3. in paine to forfeit the same.

3. IV. Stat. 20. R. 2. 1. The statutes of 2. E. 3. 3. and the 7. R. 2. 13. shall be duly observed, upon the paines contained in the said Stat. of 2. E. 3. 3. and besides to make fine to the King.

S. Recusants, 115.

Arrests, s. Sheriffs.

Arrow-

I. Stat. 7.H.4.7. Justices of Peace have power to punish such as make defective Arrow-heads.

Artificers s. Labourers. 20.

Affise of Ale and Beere, s. Victu-
all 5.7. & Weights.

Attainders, s. Certificate 1.

Badger, Lader, Kidder, Carrier,
Drover, Transporter of Graine &c.

I. Stat. 5. El. 12. None but a married
man and housholder of the age of xxx^{1.}
yeares at least shall take upon him to bee a
Badger, &c. neither hee without Licence in
open Sess. of the Countie, where hee hath
dwelt by the space of three yeares before, un-
der the hands and scales of (at least) three
Justices (1. Qu.) in paine of 5. l. which Li-
cence shall remaine in force for one yeare on-
ly from the date thereof. And all Licences
otherwise granted shall be void.

II. The Justices of Peace in Sess. shall (at
their discretions) take Recognisances of
Badgers &c. that they shall not forestall or
ingrosse, or put in practice any Act contrary
to 5. & 6. E. 6. 14.

III. The Clerke of the Peace shall write
and enter the Licence and Recognisance, and
his

14 Badger, Lader, &c.

his Fees shall be, *viz.* for writing the Licence 12.d. for writing the Recognizance 8.d. and for entring them both into a Register Booke 4.d. which Booke hee shall bring to every Sessions.

IV. This shall not give liberty to any Badger, &c. to buy graine out of the Market (to sell againe) unlesse there be speciall words in his licence to warrant the same, in paine to forfeit for every time so offending 5.l.

V. The one Moity of these forfeitures is given to the Queene, and the other to the Informer.

VI. The Queenes Moity shall be estreated according to the usuall manner, and the Informers levied by *feri facias*, or *Capias*; But when the sure is wholly the Queenes, the whole forfeiture shall be estreated for her use.

VII. Justices of P. have power to heare and determine these offences in Sessions, by inquisition or verdict; or otherwise upon the oath of two witnesses (at their discretions) and to make proceffe thereupon.

VIII. This Act shall not restraine Purveyors of Cities and townes corporate; neither yet the Inhabitants of the Counties of Westmerland, Cumberland, Lancaster, Chester, and Yorke.

2. IX. Stat. 13. El. 25. The Statute of 5. El. 12. is confirmed.

S. Foresters, 5. 12.

Bayliffes, S. Sheriffes.

Baile.

I. **Stat. 3. E. 1. 15.** Persons outlawed, and such as have abjured the Realme, Provours, and such as be taken with the manner, Prison-breakers, theeves openly defamed, Appellees by Provours (during the life of such Provours) house-burners, Counterfeiters of the Kings Seale or Coyne, excommunicate persons, and Traitors, are not replevisable by common writ or without writ.

II. Persons guiltie of Larcenie by enquests (taken before Sheriffes or Bailiffes) or of petty Larcenie (not before detected, nor accessary to any felony) or onely guilty of some light suspicion, are baileable by good sureties, for which the Sheriffe shall be answerable.

III. **Stat. 5. E. 3. 8.** Marshals of the Kings Bench shall not baile felons.

IV. **Stat. 3. H 7. 3.** Two Justices (1. *Qu.*) have power to let to baile persons baileable by law, untill the next Quar. Sess. or G.D. and shall there certifie the same in paine of 10*l.*

V. **Stat. 1. & 2. P. M. 13.** None shall be let to baile, which are forbidden to be bailed by 3. E. 1. 15.

VI. None arrested for Manlaughter or felony, or suspicion of the same, (being baileable by law) shall be let to baile, save only in open Sess. or by two Just. (1. *Qu.*) being both present at the time of such bailement, which then shall be certified (together with the examination of the Prisoner, and the Information of the Accusers) under their owne hands at the next Gaole delivery, and the said
examina-

examination and Information shall be taken before the bailement.

VII. The said Justices have power to bind by Recognisance all such as can declare any thing materiall against the Prisoner to appeare at the next Gaole delivery, and shall there make certificate of the said Recognisance.

VIII. The Justices that offend any Branch of this Act are lyable to be fined by the Justices of Gaole delivery.

IX. This Act shall not restraine Justices within *London* and *Middlesex* to let to baile Prisoners, as heretofore they have used, only they shall certifie their examinations, Bonds, and bailements at the next Gaole delivery of their Jurisdiction, in paine to bee fined, as aforesaid.

X. Every *Habeas Corpus* or *Certiorari* for the Removall of a Prisoner shall be signed by the Chiefe Justice or one of the Justices of the Court out of which the Writ issues, in paine of five pounds to be forfeited by the Writer.

5. XI. Stat. 2.3. P.M.10. One accused of Manslaughter or Felony, which, for want of baile, is to be sent to the Gaole, must be examined by the Justice, before he sends him thither, and the Accusers must bee bound over to give in evidence against him, whose Information must also be taken and committed to writing within two daies after at the farthest, and all certified in at the next Gaole delivery, as by the stat. of 1.2. P.M.13. is limited, upon the penaltie therein expressed.

Bakers

Bastardie.

17

Bakers, s. Victuall 2. 10. Weights

2, 4, 5, 9.

Barges, s. Boatemmen.

Bastardie.

I. Stat. 18. El. 3. The two next Justices 1.
(1. 24.) may take order as well for the punishment of the mother, and reputed father of a Bastard Child, as also for the reliefe of the Parish, where it is borne, by charging the said mother, and father with the sustentation thereof, by payment of money weekly, or otherwise.

II. If the mother or father performe not the said Justices order, they shall suffer imprisonment without baile, except hee, she or they give securitie to performe it, or else to appear at the next Quarter Sess. and also to abide the order of the greater part of the Justices there, if any shall be there made; if not, then to performe the order made by the two Justices. 5.

III. Stat. 7. Jac. 4. Justices of Peace 2.
shall commit to the house of correction lewd women, which have Bastards, that may be chargeable to the Parish, there to be punished, and set on worke one whole yeere; and if they offend againe, they shall not be from thence enlarged without putting in good securitie not to offend so againe.

IV. Stat. 21. Jac. 27. It shall be murther 3.
for a mother to conceale the death of her Bastard

18 Bastardie, Bigamie.

Hard child, unlesse she can prove by one witnesse (at least) that it was still-borne.

4. V. Stat. 3. Car. 4. All Justices of Peace within their severall limits and Sess. may doe and execute all things concerning that part of 18 Eli. 3. which concerns Bastards, that by the Justices of Peace in the severall Counties are by the said statute limited to be done.

Beere, S. Corne, 1.

Bell-metall, S. Brasse, 15.

Benhurst hundred in Com. Berk.

S. Hue and Crie, 8.

Bigamie.

1. I. Stat. 1. E. 6. 12. A Bigamus being a felon shall be admitted to his Clergy, as well as any other.

2. II. Stat. 1. Jac. 11. A Bigamus shall suffer death as a Felon, unlesse he or she have had no notice, that the husband or wife was living within seven yeares before, or the Marriage severed by divorce.

III. This felonie shall cause no corruption of blood, or losse of dower, or inheritance.

Boatmen, Watermen, Barges, Boats, &c.

1. I. Stat. 26. H. 8. 5. Justices of the Peace within the Counties of Gloucester and Summer-set in Sess. shall bind keepers of Ferries over Severn

Severne by Recognisance with good sureties, that they shall not transport any Passenger out of England into Wales, or the Forrest of Deane, or from thence into England before Sun rising, or after Sun set, unlesse such as they know, and will answer for; And besides the parties so offending shall thereby incurre fine and imprisonment.

II. Stat. 2. and 3. P. M. 16. At the first Court of Aldermen in London next after the first of March, out of the Watermen betwixt Gravesend and Windsor, there shall be eight chosen for overseers, which shall have power to keepe good order amongst the rest.

III. Two Watermen shall not carry any, but where one of them hath exercised that profession two yeares before that time, and hath been allowed by the greater part of the said Overseers, under their knowne seale, in paine to be committed to one of the Counters by the said Overseers for one month, or for lesse time, as the offence may deserve.

IV. No single man, which is no householder, nor retained as an Apprentice, or as a servant for one yeare at least shall exercise that profession, betwixt the places aforesaid, in paine of like imprisonment.

V. The Lord Maior, and Aldermen of London, and the Justices of Peace within the Counties adjoyning to the River of Thames, upon complaint of any two of the Overseers, or of any Watermans Master, have power not only to heare and determine any offences committed against this Act, and to enlarge any

any Waterman, unjustly imprisoned by the said Overseers, but likewise to inflict punishment upon the Overseers themselves, in case they shall unjustly punish any person by colour of this Act.

VI. A Wherry that is not twenty two foot and a halfe long, and foure foot and an halfe broad in the Midship, and sufficient to carry two persons on one side tight, shall be forfeit; in which Case the King and Queen shall have the one Moity, and the Informer the other.

VII. The Waterman, that withdraweth himselfe in time of pressing, it being proved by two witnesses before the said Maior, Aldermen, or Justice, and two of the said Overseers, shall suffer a fortnights imprisonment, and shall be prohibited to row any more upon Thames for a year and a day after.

VIII. The Overseers shall not only call the Watermen before them, direct them, and Register their names, but likewise examine their boats before they be lanced, whether they have due proportion and goodnesse according to this Act.

IX. If the Overseers refuse or neglect their office, they shall forfeit 5 l. whereof the King and Queene shall have one Moity, and the Informer the other.

X. The Court of Aldermen shall asseesse the Fares of Watermen, which being subscribed by two of the Privy Councill (at least) shall be set up in Guildhall, Westminster-hall, &c. And the Waterman that takes more then according to the Fares so asseessed, shall
for

for every such offence suffer halfe a yeares imprisonment, and forfeit 40.s. *viz.* the one Moity to the King and Queen, the other to the Informer.

XI. Stat. 1. Jac. 16. No Waterman shall retain any Servant or Apprentice, unless he himselfe hath been an Apprentice to a Waterman by the space of five yeares before, and not an Apprentice under the age of eightene yeares, or for lesse time then seven yeares, in paine to forfeit for every such offence 10.l. *viz.* the one Moity to the King, and the other to the Informer.

XII. This Act shall not restraine Watermens sonnes of convenient growth and strength, and formerly trained up in rowing, but that they may be allowed to serve as Apprentices, and to carry passengers from place to place at the age of sixteene yeares.

XIII. The eight Overseers shall yearly upon the first of March, and the first of September cause openly to be read in their Common Hall, all their orders made, or to be made; in paine that every of them for every such default shall forfeit twentie nobles, *viz.* the one Moity to the King, and the other to the Informer.

Bookes, Images.

I. Stat. 3. & 4. E. 6. 10. All popish Bookes in times past used for service of the Church shall be utterly abolished and forbidden to be used within the Kings Dominions.

II. All

II. All persons whatsoever having in their custodie any popish Bookes, or Images carved or painted, which have been taken out of, or yet doe stand in any Church or Chappell, shall destroy the said Images and deliver the said Bookes to the Major, Bayliffe, Constable or Church-wardens of the towne, where such bookes then shall be, to be delivered over to the Archbishop, Bishop, Chancellor, or Commissarie of the same Diocesse, to the intent the said Bookes should be by them openly burnt, or otherwise defaced, in paine to forfeit, for the first default 10.s. for the second 4.l. and for the third imprisonment at the Kings will.

III. The officer shall within three months deliver over the said Books unto the Archbishop, Bishop, &c. and they shall within forty dayes after burne or deface the same, or cause them to be burned or defaced, in paine to forfeit respectively 40. l. a peece, whereof one Moity is given to the King, and the other to the Informer.

IV. Justices of Assise, and Just. of P. in Sess. have power to inquire, heare and determine these defaults, and offences.

V. Images upon Tombes shall remaine, unlesse the dead person have beene commonly taken for a Saint.

VI. Primers set forth by H. 8. purged from sentences of invocation, or prayer to Saints, shall be still retained.

S. Recusants, 17. 123. 124.

Brasse, Latten, &c.

23

Bowes, S. Archerie.

Brasse, Latten, Copper, Bell-
metall, Pewter, &c.

I. Stat. 19. H. 7. 6. None shall sell, or
change brasse, save only in open Faires and
Markets, or in their owne houses (except they
be desired by the Buyer of such wares,) in pain
of 10. l. 12.

II. None shall cast or worke Brasse or
Pewter, but according to the goodnesse of
metall wrought within London, in paine to
forfeit the same, viz. one Moiety to the King
and the other to the finder.

III. Hollow ware of Pewter called lay metall
shall be wrought after the Assise of Lay met-
all in London, and shall be marked, in paine
to forfeit the said wares, or (being sold) the
price of the same to be divided as aforesaid.

IV. None shall use (in the selling of Brasse
or Pewter) any false beames or weights, in
paine to forfeit 20. s. to be divided betwixt
the King and the prosecutor, and in case he
be not able to pay it, he shall be (by the head
officer) committed to the stocks, till the next
Market day, and then stand upon the Pillory.

V. Searchers of Brasse and Pewter in every
City and Borrough shall be appointed by the
head officers of the same; and in every Coun-
ty by the Just. of P. at their Mich. Sessions.
And in default of Searchers in Cities and
Boroughs any other person (skilfull in that
mysterie)

mysterie) by oversight of the head-officers may take upon him the search of defective Brasse, which being found either by him or the other searchers, shall be equally divided, as aforesaid.

2. VI. Stat. 4. H. 8. 7. The Statute of 19. H. 7. 6. is confirmed, and besides it is enacted, that in Cities and Boroughes search of defective Tinne and Pewter shall be made by the Wardens of the Craft of Pewterers, and in townes, where no Wardens are, searchers shall be appointed by the head-officers there, which said defective Ware shall be forfeited and divided, as in the former statute.

3. VII. Stat. 25. H. 8. 9. None shall buy or take by exchange any wares made of Tinne or Pewter out of the Realme, in paine to forfeit them, and also the value thereof in mony.

VIII. Officers may search and seise wares brought into this Realme contrary to this Act.

IX. No stranger borne shall worke any Pewter or Tinne in England in paine to forfeit the same.

X. No Pewterer shall teach his trade in a forraigne nation, in paine to lose the Priviledge of an Englishman.

XI. Licences and Placards to wandering Brasiers and Pewterers shall be void.

XII. The penalties mentioned in 19. H. 7. and in this present Act shall be equally divided betwixt the King and the finder. Stat. 33. H. 8. 4.

4. XIII. Stat. 33. H. 8. 4. The statute of 25. H. 8. 9. is confirmed.

XIV. None

XIV. None shall withstand the search of Brasse, tinne, pewter, &c. in paine of s. l. to be divided, as in the former Statutes.

XV. Stat. 33. H. 8. 7. and 2 E. 6. 37. None shall convey out of this Realme Brasse, Copper, Latten, Bell-metall, Pan-metall gunne-Metall, nor shroffe metall, cleane or mixed, tinne and lead only excepted.

Bridges.

I. Mag. Cart. 9. H. 3. 15. No towne nor Freeman shall be distrained to make bridges, or Bankes, but such as of old time, and of right have beene accustomed to make them.

II. Stat. 22. H. 8. 5. Foure Iustices (1. 24.) shall in Sessions inquire, heare and determine the annoyances of Bridges, and of the high-ways adjoyning within 300 foote next vnto the said Bridges, and shall also charge such as should repaire them by sending forth pro-cesse, or setting paines, as they shall think fit.

III. When it cannot be knowne, what precinct should repaire a Bridge, or way, they shall be repaired by the County, Riding, or Corporation, within which they are scituate, and if they happen to be scituate in two of such precincts, the Inhabitants there shall repaire their severall parts respectively.

IV. The said foure Iust. have power to call before them the Constables, or two able men of every parish, and by their assent to make a taxe and Collectors to levie the same

by distresse and Sale, and also to make Surveyours of the said decayed Bridges, and wayes, unto whom the Collectors shall pay the money levied, which said Collectors and Surveyours shall render an Accompt vnto the said Iustices upon pain of Imprisonment without Baile.

V. The said Iust. may in this case send proccesse out of their jurisdiction, which the officers, to whom it is directed, shall obey and serve, in paine to be fined by the said Iustices.

VI. This Act shall not extend to the five Ports nor to the members of the same: save only, that their officers shall have such power to reform annoyances of Bridges and wayes there, as the Iust. of P. have elsewhere by force of this Act.

VII. The said Iust. shall allow to the said Collectors and Surveyors their reasonable charges.

3. VIII. Stat. 3. Ed. 2. An Act for the new making and keeping in repaire of Chepstow Bridge.

Brewers.

Stat. 23. H. 8. 4. The forfeiture of a Brewer, that doth sell his vessels of Ale, and beere for more then they shalbe assessed at by the Iustices of the County, or the head officers of a Corporation within their severall limits respectively, is x. s. for any vessell greater then a Barrell, 6. s. for a Barrell, 3. s.

4. d.

Buggery.

27

4. d. for a kilderkin, 2. 3. for a firkin, and
12. d. for every lesse measure to be equally
divided betwixt the K. and the prosecutor.

S. *Purveyors*, 36. *Viſtuall*, 2. 10. *weights*,
4. 7. 13.

Buggery.

I. Stat. 25. H. 8. 6. Buggery shall be ac- 1.
counted felony and the Offender therein shal
not have his Clergie.

II. Iustices of P. have power to enquire,
heare, and determine this offence.

III. Stat. 5. El. 17. The Statute of 25. H. 2.
8. 6. is revived.

Burglary, House-breaking.

I. Stat. 3. & 4. E. 1. Hue and Cry shall be 1.
made after Burglers.

II. Stat. 23. H. 8. 1. Clergie shall not be 2.
allowed to any principall or Accessarie that
is found guilty of Burglary, when the owner,
his Children or Servants shall be in the
house, and put in feare, Stat. 1. E. 6. 12. by
night or by day, Stat. 4. & 5. P. M. 4.

III. Stat. 25. H. 8. 3. Clergie shall not be 3.
allowed to a Burgler, that stands mute, or
makes peremptory Challenge of above xx.
Stat. 1. E. 6. 12.

IV. Stat. 5. & 6. E. 6. 9. Clergie shal not be 4.
allowed, although the Burglarie be commit-
ted without the notice of the owner, Chil-
dren or Servants, any of them being with-
C 2 in

28 Burning of Houses.

in the house, or precincts of the same; So it is also for Burglarie committed in Boothes, or Tents. *Stat. 18.El.7.*

5. V. *Stat. 39.El.15.* Clergie shall not be allowed to any that feloniously takes away any thing in the day time, amounting to the value of 5s. out of any dwelling house or out-house, although no person be within or near the same.

S. Clergie. Felonie, 15.

Burning of Houses, &c.

1. I. *Stat. 23.H. 8.1.* Clergie shall not be allowed to the principall or Accessary that is found guilty of the malicious burning of a dwelling house or a Barn of graine. *Stat. 4. & 5.P.M.4.*
2. II. *Stat. 25.H. 8. 3.* Nor to the wilfull Burner of a house (according to the tenor of *23.H.8.1.*) which stands mute, or makes peremptory Challenge of above xx. *Stat. 4. & 5.P.M.4.* Includes the Accessarie also.
3. III. *Stat. 37.H. 8. 6.* For the malicious burning of waynes or Carts loaden, Heapes of wood, or the frame of a house, the offender shall suffer as in case of Felonie, and shall forfeite his goods and profits of his lands during his life, but his wife shall have her Dower, and his heir the inheritance, only out of profits of the lands the heire shall satisfie damages to the partie grieved.

S. Bailement, 1. Clergie.

Butchers.

Butchers.

29

Butchers.

k

I. *Stat. 51. H. 3.* Butchers that sell contagious flesh, or that died of the Murren, shall be presented and punished. 1.

II. *Stat. 4. H. 7. 3.* Butchers shall kill no Beasts in London, any walled towne, or Cambridge (except Barwicke and Carlile) in pain to forfeit for every Oxe, 12. d. and for every other Beast 8. d. to be equally divided between the K. and the prosecutor. 2.

III. *Stat. 3. & 4. E. 6. 19.* A Butcher shall not buy Cattell, and sell the same againe alive, in pain to forfeit the one half to the K. and the other to the prosecutor. 3.

Note that the *Statute* of 24. H. 8. 9. which prohibiteth Butchers to kill weaning Calves under the age of two years is expired. See 21. *Jac.* 28.

S. Foresters, 5. Leather, 13. Victuall, 1. 10. Weights, 14.

Butter, Cheese.

I. *Stat. 3. & 4. E. 6. 21.* None (except Inholders, and Victuallers in their houses) shall buy any Butter or Cheese to sell again, save only by retaile in open shop, Faire, or Market, and so, not above a wey of Cheese or a Barrell of Butter at one time without fraud, in paine to forfeit double the value thereof, to be equally divided betwixt the K. and the prosecutor. 1.

C 3.

II. *Stat.*

30 Butter, Cheese.

2. II. Stat. 21. Jac. 22. The Statute of 3. & 4. E. 6. 21. shall not extend to the Retaylers of Cheese in London, Westminster, or Southwark, having served seaven yeares in that trade, and not uttering above 4 wey of Cheese, or 4. barrells of Butter at one time, without fraud.

III. Justices of P. in Sessions have power to restrain the retailing of Butter & Cheese, during which restraint those that retail shall be lyable to the penalty of 3. & 4. E. 6. 21. and 5. & 6. E. 6. 14. which see in Fore stallers.

S. Corde. 1.

Butts, S. Archerie. Buying of Titles, S. Maintey- nance.

Calves, S. Leather. 12. Captaines, Souldiers, Musters, Marriners.

1. I. Stat. 1. E. 3. 5. No man shall be compelled to arme himselfe otherwise then in times past, neither shall any man be compelled to go out of the Shire, save where necessity requires, and the sudden comming of strange enemies into the Realm, and then it shall be done as in times past for the defence of the Realme.
2. II. Stat. 1. E. 3. 7. Whereas Commissioners have

have heretofore prepared men of Armes, and conveyed them to the K. in Scotland, Gascoine, or else where, at the Charge of the Shires, whereby the Commons have beene much impoverished: The King will, that it shall be done so no more.

III. Stat. 18. E. 3. 7. Men of Armes, Hoblers, and Archers chosen to goe in the Kings service out of England, shall be at the Kings wages from the day that they depart out of the Countries, where they were chosen, till their return. 2.

IV. Stat. 25. E. 3. 8. None shall be bound to find Armes, but by tenure of Land, or grant in Parliament. 3.

V. Stat. 18. H. 6. 19. It is felonie for a Souldier (retained to serve the King in his warres) not to go with or depart from his Captaine without License. 4.

VI. Officers shall arrest Souldiers, which within their terme limited come on this side the Sea without Letters Testimoniall of their Captaine, and shall retaine them, untill the cause of their return be tried.

VII. Justices of P. have power to hear and to determine their offences.

VIII. Stat. 7. H. 7. 1. A Captaine, which shall not have the whole number of his Souldiers, or not pay them their due wages within six dayes after he shal have received them, shall forfeit all his goods and Chattels and suffer Imprisonment, 25. 5.

IX. It is felony for a Souldier retained to depart from his Colours without License,

for which he shall not enjoy the benefit of his Clergie, 15.

X. Justices of P. have power to enquire, heare, and determine this offence of departing without License, and the tryall thereof shall be in the same County, where the Souldier is apprehended, 15.

XI. This Act shall not be prejudiciall to Captaines, when Souldiers die, or otherwise depart without any default of theirs; so that they therewith acquaint (at Land) the Treasurer of the warres within ten dayes after, or (at Sea) the Admirall at their next meeting with him.

6. XII. Stat. 3. H. 8. 5. This act is in all parts the same with 7. H. 7. 1. save only that it shall not extend to Captaines & Souldiers in Barwick, Wales, Calie, & other places in France: nor to Captaines having under them Retinue of Souldiers, or for non-payment of the Kings wages to Captaines household servants.

7. XIII. Stat. 2. & 3. E. 6. 2. A Souldier that maketh away his horse or Armes (prooffe thereof being made before the chicfe Commander) shall suffer imprisonment without Baile, untill he hath satisfied the party, at whose charge he was sent out.

XIV. If such a Souldier escape from the Armie without punishment, he shall be lyable to the same to be inflicted upon him by any Justice of P. in those parts where he shall be apprehended, unlesse he bring sufficient testimony from the Commander, that the horse, or Armes were otherwise lost, or imploy-

employed in the Kings service.

XV. It is felonie (without benefit of Clergie) for a Souldier retained, to depart without licence of his Commander, wherupon Justices of P. may proceed as in case of felony.

XVI. The Commissioner or Captain, that licenceth any person retained, and assumeth another for gaine, or which giveth to any licence to depart without warrant from the Commanders, shall forfeit xx. l. to the K. for every person so let go.

XVII. The Lievtenant generall, or other officer, which receives more wages for Souldiers then there is cause, and doth not every moneth (by a note in writing) acquaint the Treasurer of the Army with every Souldiers entry into pay, death, or departure, shall forfeit 5. l. to the K. suffer one moneths Imprisonment, and lose his place.

XVIII. None but the Commander shall licence any in paine of Imprisonment both of the Licencer and Licenced at the discretion of the said Commander.

XIX. The Lievtenant generall shall command this Act to be proclaimed in the Army once every moneth, and every Governour in his Fortresse once every three moneths.

XX. Every person which shall informe the Lievtenant of any of these offences, shall have a moneths pay, belonging to him that is faulty.

XXI. This shall not prohibit officers to retaine yearly 6. s. 8. d. for the Coat of a yeoman

man, and 13. s. 4. d. for that of a Gentleman; neither shall it be prejudiciall unto them, when the lack of Souldiers is not through their default, nor when they have under them a retinue of Souldiers, nor for nonpayment of the K. wages to their household Servants; neither shall it extend to prohibit relief of tenants or friends towards service in war, or the detaining of Souldiers wages upon lawfull Causes.

8. XXII. Stat. 4. & 5. P. & M. 3. He which absenterh himself from the Musters, or doth not bring thither his best furniture, shall by the Commissioners be committed to Prison without Baile, unlesse he immediately agree to pay xl. s. to the K. and Q. which shall within two moneths be estreated in the Exchequer by the said Commissioners, or any two of them.

XXIII. Commissioners and others in authoritie taking any reward to discharge Souldiers, shall forfeite tenne times so much.

XXIV. The one moiety of the abovesaid forfeitures is given to the K. and Q. and the other to the prosecutor.

XXV. A Captaine or other officer, which detaines his Souldiers wages shall forfeit thrice times so much unto the same Souldier.

XXVI. Just. of Ass. Just. of P. and Stewards in leets have power to heare and determine these offences, and the Just. of Ass. or P. upon Conviction of the offender may
committ

commit him to prison without Baile, untill he hath satisfied the abovesaid penalties to the K. Q. and prosecutor, or where there is no prosecutor to the K. and Q. alone.

XXVII. Offences committed during the time of Service, shall be heard and determined by the chiefe Commander.

XXVIII. This Act shall nor discharge service of warres incident to the tenure of Land.

XXIX. The offender of this Act shall not be twice punished for the same offence.

XXX. None shall under colour of Service of warre incident to the tenure of land exact any other thing, then what shall be imployed in present service, and shall be restored againe to the owner, when the service is done, at least so much thereof, as shall not be spent or lost in the service.

XXXI. Inhabitants within Cities, Boroughes and Corporations shall be mustred at home by the head officer and one other (at least) to be joyned with him by Cômmission, or otherwise.

XXXII. Stat. 5. El. 5. The Stat. of 18. H. 6. 19 shall in all points extend to Marriners and Gunners, aswell as to Souldiers. 9.

XXXIII. Stat. 39. El. 17. Wandering 10. Souldiers, and Marriners, and all others wandring as Souldiers or Marriners, which will not settle themselves to worke, or have not a testimoniall under the hand of some one Just. of P. neere the place of their landing

ding, setting downe the place, where they landed, the place whither they are to passe, and the time of their passage, or having a testimoniall exceed the time therein limited above fourteen dayes; or Counterfeit a testimoniall, or produce one which they know to be counterfeited; shall in all these cases suffer as Felons without benefit of Clergie, &c.

XXXIV. Iust. of Ass. G. D. and of P. in their Sess. have power to proceed against these offenders as in case of felonie without Clergie, unlesse some sufficient man (allowed by the Iustices) will enter into a Recognizance of x. l. to the Q. to retaine the offender for one whole yeare, and to bring him to the next Sess. of P. & G. D. after the yeare ended. And if he within the yeare depart that service without licence, he shall afterwards suffer as a felon without Clergy.

XXXV. Souldiers or Marriners, which fall sick in their passage home, shall be excused, though they exceed the time limited in their testimoniall, So that they performe this Act in convenient time after their Recovery.

XXXVI. If, when they come home, they cannot get worke, the two next Just. (upon their complaint) shall take order, that they may be provided of work, or otherwise shall pay the whole hundred for their Relief untill work may be had.

XXXVII. The Souldier or Marriner (licensed by a Iust. of P. to whom he shall make,
his

his poverty knowne) having not wherewithall to beare his charges home, may ask and take Relief, So it be in his direct way home, and within the time limited by his Licence.

XXXVIII. These offences shall cause no Corruption of Blood.

XXXIX. Stat. 43. EL. 3. The more part of the Just. of P. yearly in their Easter Sess. have power to charge every parish towards a weekly reliefe of maymed Souldiers, and Mariners, so that no parish pay weekly above 10. d. nor under 2. d. nor any County, which consists of above 50. parishes pay above 6. d. one parish with another; which summes so taxed shall be assessed in every parish by the parishioners or (in their default) by the Churchwardens and Constables, or (in their default) by the next Justice or Justices of Peace.

XL. The Const. or Churchw. of every parish have power to levie the tax of every person refusing to pay it, by distresse, and Sale, and (in their default) the said Justice or Justices next adjoyning.

XLI. The tax being thus levied, the Const. or Churchw. shall deliver it quarterly (ten dayes before every quarter Sess.) to the high Const. of their Division, who shall deliver it over to the Treasurers of the County at the same quarter Sess.

XLII. The Treasurers shall be Subsidemen, viz. of x. l. in lands or xv. l. in goods, and shall not continue in their office above one

one year, rendring up their Accompts yearly at Easter Sess. or within ten dayes after, to their Successors.

XLIII. The officer or his executor, &c. that failes in payment of the Summes levied, shall forfeit *viz.* the Churchw. or Const. xx. s. & high Constable xl. s. which the Treasurers have power to levy (by distresse and Sale) in augmentation of their Stock.

XLIV. The Treasurer or his executor, &c. that hath beene negligent to execute his office, or to render the Accompt within the time above limited, shall be fined by the I. of P. in the Sess. 5. l. at least.

XLV. The maymed Souldier or marriner, which was prest, shall repaire (if he be able to travell) to the Treasurers of the County, where he was prest, if he were not prest, then to the Treasurers of the County, where he was born, or where he last dwelt by the space of three yeares, at his election. But if he be not able to travell, then to Treasurers of the County, where he lands.

XLVI. He shall bring to any of the Treasurers aforesaid a Certificate under the hand and Seale of the chief Commander, and of the Captaine, under whom he served, containing the particulars of his hurts and services; which Certificate shall be also allowed by the Muster-Master, Generall, or the Receiver generall of the Muster-Rolls under one of their hands.

XLVII. Vpon such a Certificate the Treasurers aforesaid may allow him Reliefe to main-

maintayne him untill the next Q. Sess. at which the more part of the Iustices may allow him a pension, which the Treasurers shall pay him quarterly, untill it shall bee revoked, or altered by the said Iustices, And this Allowance to him, that hath not borne office, shall not exceed x. l. To an officer, under a Lievtenant xv. l. and to a Lievtenant xx. l.

XLVIII. When Souldiers, or Marriners arrive far from the place where they are to receive relief, the Treasurers there, shall give them relief and a Testimoniall, whereby they may passe from Treasurer to Treasurer untill they shall come at the place required, and this shall be done upon the bare Certificate of the Commander, and Captaine, although they have not as yet obtained any allowance thereof from the said Muster-Master, or Receiver generall of the Muster Rolls.

XLIX. The Treasurers shal register their Receipts and disbursments and enter the names of the parties relieved, and also the Certificates, by warrant whereof the disbursments are made, The Muster-Master also, or Receiver aforesaid shall register the names of the parties, and the Certificates by him allowed; And the Treasurer returning or not allowing the Muster-Masters Certificate shall hereupon subscribe, or endorse the cause of his disallowance.

L. Iustices of P. in Sess. have power to fine a Treasurer, that wilfully refuseth to give

give relief, which any two of them (appointed by the rest) may levy by distress, and Sale of his goods.

LI. A Souldier or Marriner, that begs or counterfeits a Certificate shall suffer punishment as a common Rogue, and shall lose his pension if he have any, 3. 3.

LII. The Surplusage of this Contribution shall be employed by the more part of the Justices in Sess. upon charitable uses, according to Statutes made for reliefe of the poore, and punishment of Rogues.

LIII. In Corporations the Justices there shall put this Act in execution and not the Justices of the County, and shall be lyable to fines, as well as other Justices, if they misuse their power therein, and shall appoint a Collector of this tax, which shall have the power, and be subject to the penalties limited (by this Act) to high Constables of Counties.

LIV. The forfeitures accruing by this Act shall be employed as the Surplusage aforesaid, or otherwise kept in augmentation of the Stock, as the more part of the Justices in Sess. shall direct.

LV. When out of the County, where the party was prest, a fit pension cannot be satisfied, it shall be supplied by the Counties, where he was born, or where he last dwelt by the space of three yeares.

LVI. This Act shall not prohibit the City of London to make a tax (if need require) differing from that above limited (35.) so that no parish pay above 3. s. weekly, nor above.

Cattel, Sheep.

41

above or under 12.d. weekly one parish with another.

S. Boatmen, 7. Felonie, 16. Recusants, 112.

Carman, *S. Holydayes, 2.*

Carier, *S. Badger, Holidiaies, 2.*

Cattel, Sheep.

I. Stat. 3. H. 6. 2. None shall transport Sheep beyond Sea without the Kings Licence, in pain to forfeit them. 1.

II. Stat. 25. H. 8. 13. None shall keepe in his owne possession at one time above two thousand Sheep in paine to forfeit for every sheep kept above that number 3.s. 4.d. to be prosecuted for a Subject within one year, and for the King within three; But here Lambs shall not be accompted as Sheep till Midfommer twelve moneth after their fall. 2.

III. If any happen to have more sheap then two thousand by reaso of any executorship or Marriage, they shall not be impeached by this Law, So that within one year after they put off so many, that at the end of that year they may not have above two thousand: neither shall a Child during his nonage (nor any person for him) be endamaged by this Act, which Child shall have by legacy above 2000. Sheep given him.

IV. Lu-

IV. Iustices of P. have power to heare and determine the offences committed against this Act, but shall not set a lesse fyne, then is limited by the same.

V. Every temporall Subject may keepe upon his own demesne lands as many Sheep as he will, or for the maintenance of his house, above the number of 2000. notwithstanding this Act.

VI. How Fouldcourses and quillerts of Lands in Norfolk and Suffolke shall be used, and to which quillerts this Statute shall extend, see the Statute at large.

VII. A thousand of Sheep (meant by this statute) shall be accompted after the rate of fixscore to the hundred.

VIII. None shall take to ferme above two Farmes together, unlesse both the Farmes be situate in the same parish where he dwels; in paine to forfeit 3. s. 4. d. for every weeke he takes the profits of them.

IX Spirituall persons shall keepe Sheep, as they have used to do, notwithstanding this Act.

3. X. Stat. 3. & 4. E. 6. 19. None shall buy any Cattel but in open faire or Market, and not sell the same againe in the same faire or Market in paine to forfeit double the value thereof.

4. XI. Stat. 2. & 3. P. & M. 3. He that keepeth above 120. Sheep or 20. Beasts upon severall pasture ground apt for milch kyne, & not commonable shall yearly for every 60. Sheep or 20. Beasts keepe one milch cow, and

and for every 120. sheep or 20. Beasts reare up one Calfe in paine to forfeit for every Cow or Calf not so kept or reared xx. s. viz. the one moiety to the K. and Q. the other to the prosecutor, if he comence his sute within one year after the offence committed.

XII. Just. of P. in Sess. have power to hear and determine the Breach of this Statute.

XIII. This Act shall not bind those, which keep sheep or feed Beasts only for their own provision.

XIV. Stat. 8. El. 3. None shall transport sheep beyond Sea, in paine to forfeit all his goods, to suffer one yeares imprisonment, to have his hand cut off in some open Market, and for the second offence to suffer death as a Felon.

XV. This Statute shall not extend to Corruption of Blood or forfeiture of Dower.

XVI. Just. of G. D. and Just. of P. have power to heare, and determine this offence.

XVII. The aforesaid goods forfeited shall be divided betwixt the Q and the prosecutor.

XVIII. Stat. 7. Jac. 8 the Statute of 2. & 3. P. & M. 3. Shall extend as well to grounds which have beene or shall be made severall after, as to those made severall before the making of the same Statute.

See Butchers. 3. Forestallers. 7. 10.

44 Certificate. Certiorari.

Certificate.

I. Stat. 34. H. 8. 14. All Clerkes of the Crowne, Clerkes of Assise, and Clerkes of the Peace shal certifie the effect of all Indictments, outlawries, convictions, or Attainders (taken before them) into the Kings Bench within 40. dayes after the taking of them, if it be then terme time, if not, then within 20. dayes after the beginning of the Term next ensuing, in pain to forfeit for every default 40. s. to be divided betwixt the K. and the prosecutor.

II. The Clerk of the Crowne shall certifie the effect of such indictments, &c. unto Just. of G. D. or Just. of P. which write for the same, in paine to forfeit for every name not certified, 40. s.

III. This Act shall not extend to Clerkes of the Crowne, P. or G. D. or to Preno- raries in Wales, Chester, Lancaster, or Duresme.

Certiorari.

Stat. 6. H. 8. 6. The Justices of the Kings Bench have power to remand Prisoners and Indictments (removed thither by writ) into the country where the offences were committed, and also to command the Just. of G. D. and of P. to proceed there against them according to Law.

See Bailement, 10. Superfedcas, 3.

Stat.

Challenge, Clergy.

45

Challenge.

Stat. 22. H. 8. 14. None arraignedd for Petty Treason, Murder or Felony shall be admitted to any peremptory challenge above the number of xx.

Champerty, s. Maintenance.

Cheese, s. Butter, weights, 37.

Citation, s. Ecclesiasticall Court, 8.

Clergie.

I. **Stat. 3. E. 1. 2.** A Clerk convict for felony, and delivered to the Ordinary shall not be enlarged without due Purgation. 1.

II. **Stat. 4. H. 4. 3.** A Clerk convict shall make purgation according to a Constitution made by Simon, sometimes Archbishop of Canterbury. 2.

III. **Stat. 4. H. 7. 13.** The benefit of Clergie shall be allowed but once. 3.

IV. A convict person shall be marked openly before the Judge upon the brawne of his left thumb, viz. with an M. for Murder, and with a T. for any other Felony.

V. He that is within orders upon asking of his Clergy, shall shew his orders, or his Ordinaries Certificate.

VI. **Stat. 23. H. 8. 1.** None (except Clerks within orders) which by the Law shall be found guilty of Petty Treason, Murder, Sacrilege 4.

criledge, burglary, Robbery, or houseburning, nor their accessaries shall be admitted to the benefit of Clergie.

VII. A Clerk within orders, being principall or Accessary to any of the offences abovesaid, shall not be admitted to his purgation nor be enlarged by the Ordinary, untill he shall have bound himself with two good sureties before two Just. (1 Q.) to be of good behaviour.

VIII. The Ordinary may degrade a Convict person, and send him to the Kings Bench, where the Justices shall have power to give Judgement upon him, according to which he shall be executed.

5. IX. Stat. 25. H. 8. 3. None shall have benefit of Clergy, which being accused of any of the offences mentioned in 23. H. 8. 1. are found guilty, stand mute, challenge above xx. or answer not directly, although the offence were committed in another County then where they are tried.

6. X. Stat. 28. H. 8. 1. Such as be within holy orders shall receive no other benefit of Clergy then others doe Stat. 32. H. 8. 3.

7. XI Stat. 1. E. 6. 12. All Felons shall have the benefit of Clergie save only such as are found guilty of Murder, poysoning, Burglary, Robbery, Horsestealing, or sacriledge, or which upon their Arraignement for any of the same offences confesse the same, stand mute, or make no direct answer thereunto. see 2. 3. E. 6. 33.

XII. A Peere of the Realme for his first offence

offence of Felonie, though he cannot read, shall be admitted to his purgation, as a Clerk convict.

XIII. Stat. 4. 5. P.M. 4. Accessories (before the fact) which are found guilty of Petty Treason, Murder, Burglary, Robbery, or house-burning, or which upon their Arraignement for these offences, stand mute, challenge above xx. or answer not directly, shall not enjoy the benefit of Clergie. 8.

XIV. Stat. 8. El. 4. He that is delivered to the Ordinarie, and admitted to his Clergie, shall (notwithstanding his Purgation) answer for offences formerly committed. 9.

XV. Stat. 18. El. 7. An offender admitted to his Clergie, after burning in the hand, shall not be delivered to the Ordinary, as hath beene used, but shall thereupon be enlarged by the Justices, before whom such Clergie shall be granted, or by them deteyned longer in Prison at their discretion; so it be not for longer time then one whole year. 10.

XVI. He that shall be admitted to his Clergie, shall notwithstanding that, answer for other felonies.

XVII. Stat. 1. Ia. 8. He that stabs or thrusts any person not having a weapon drawne, or not striking first, so that he dies thereof within six moneths after, although it be not of malice forethought, shall not enjoy the benefit of Clergie. 11.

XVIII. This Act shall not extend to charge any

any with stabbing or thrusting when it is done only *se defendendo*, by misfortune, or in chastising his Childe or servant with no purpose to commit Manslaughter.

S. Burglary.

Clerk of the Peace.

I. Stat. 37. H. 8. 1. The *Custos Rotulorum* shall appoint the Clerke of the Peace, who may execute the same Office, by a deputy if he please.

II. This Act shall not restraine the Arch-Bishop of York, the Bishops of *Duresme*, or *Ely*, nor any other, who by the Kings Letters Patents, or otherwise, have (before the making of this Act) power to choose a Clerk of the Peace within any precinct or liberty.

S. Badger. 3. Certificate. 1.

Clerk of the Crown, S. Certificate.

Clerk of Assise S. Certificate.

Clerk of the Market, S.

Weights.

Cloth, S. Drapery.

Coin, S. Money.

Commons, S. Horses.

Commissions, S. Just. of P.

Conies

Conspirators, Corne. 49

Conies, *s.* Hunting.

Conjuration, *s.* Witchcraft.

Conspiracy, *s.* Labourers, 3.
Masons.

Conspirators.

I. Who be Conspirators, See *Stat.* 33. E. 1.

II. Their punishment, and what Justices
shall inquire of them, *viz.* Just. of both the
Benches, & of Assise, See *Stat.* 28. E. 1. 10.
Mainteynance, 8.

S. Felony.

Convictions, *s.* Certificate, 1.

Cookes, *s.* Victuall.

Copper, *s.* Brasse.

Corne.

I. *Stat.* 2. P. M. 5. None shall transport
any Corne, Beere, Butter, Cheese, Hering or
wood beyond the Seas, or into Scotland, in
paine that the owner shall forfeit the Vessell,
wherein it shall be carried, the owner of the
goods double that value, and the Master of
the ship all his goods, and suffer one yeares
imprisonment without Bayle; The one Moy-
ty of these forfeitures to be to the K. and Q.
D and

and the other to the prosecutor.

II. If one licenced to transport Corne, victuall, or wood, transport more then his licence will warrant, he shall forfeit the treble value and suffer one years imprisonment without Baile.

III. Hee that hath licence to transport Corn, victuall or wood, shall imbarke all at one place, in paine to forfeit the same, and besides all his goods: The one Moity to the King and Queen, and the other to the prosecutor.

IV. Justices of Peace (within three years after the abovesaid offences shall be committed) have power to hear and determine the same, and also to examine the Masters and Marriners of ships concerning the premisses.

V. This Act shall not restraine the transportation of Graine when Wheat is sold for 6. s. 8. d. Rye for 4. s. & Barly for 3. s. the quarter (save only to the K. and Q. enemies) nor the victualling of ships, nor be prejudiciall to the Admiralls jurisdiction.

2 VI. Stat. 13. El. 13. The Lord presidents, and the Councells in the North and Wales, the Justices of Assise in their Circuits, and the Justices of Peace in their Sessions have power to licence or prohibite the transportation of Corne at their discretions, Provided their order be first approved by the Queene or her Councell, which also may be countermanded by the Q. proclamation, if there be cause for it.

VII. Stat.

Coroners.

51

VII. **Stat.** 3. *Car.* 4. Corne may be transported to the Kings Allies, when wheate is sold for 3 s. Ry for xx. s. Pease and Beans for 16. s. and Barly or Maulk for 16. s. the quarter or under. 3

S. Badger, Forestallers, 6. 10.

Coroners.

I. **Stat.** 3. *E.* 1. *Officium Coronatoris*, See the *Statute* at large. I

II. **Stat.** 3. *H.* 7. 1. A Coroner shall execute his office according to law, in paine of 5. l. and shall have for his Fee, 13. s. 4. d. of the goods of the Murtherer, if he have any; if not, then out of such Amerciaments as shalbe set upon the Township, that suffered the Murtherer to escape. 2

III. **Stat.** 1. *H.* 8. 7. Where one is slaine by misadventure, the Coroner shall then also execute his office without Fee, in paine of 40. s. 3

IV. Justices of Peace have power to enquire of, and punish the defaults and extortions of Coroners.

V. **Stat.** 1. 2 *P. M.* 13. The Coroner shall bind by Recognisance all such as can declare any thing materiall against the Murtherer to appeare at the next G. D. and shall there make Certificate of the said Recognisance, as also of the Evidence and inquisition taken before him, and all this, in paine to be fined by the Just. of the said G. D. 4

Coftermongers, s. Viſtuall, 10.

Cottages.

I. Stat. 31. El. 7. None ſhall erect, or convert a Building to be a Cottage for habitation, unleſſe he lay foure acres of land of an Inheritance ſo neere unto it, that they may be conveniently occupied with it, in paine to forfeit to the Q. Maieſty x. l. for every ſuch erection or Converſion, and 40. s. a moneth for the Continuance.

II. No owner or occupier of any Cottage ſhall place or willingly ſuffer any more families then one to co-habite therein, in pain to forfeit to the Lord of the Leet x. s. for every moneth he ſo continues them together.

III. Juſtices of Aſſiſe, Juſtices of Peace in their Sessions and Lords of Leets have power to hear and determine theſe offences.

IV. This Statute ſhall not reſtrain the erecting, making or continuing of Cottages in Market townes, or for Labourers in mynes or quarries within one Miles diſtance from the ſaid Mynes or Quarries, or Seaſtring men within one Miles diſtance from the Sea or a Navigable River, or for a Keeper, Warrener, ſhepherd, Heards man, or impotent perſon.

Covin, Collusion, s. Actions
popular, 1, 2, 3, 4.

Counterfeit Letters, or tokens.

I. Stat. 33. H. 8. 1. A person convicted of getting into his hand money or goods by a false token, or Counterfeit letter, shall suffer such corporall punishment, as shall be prescribed by them, before whom hee shall be so convicted, death only excepted.

II. The Lord Keeper, the Star Chamber, Justices of Assise, Justices of P. in Sess. and Just. of P. in Corporate townes, have power to heare and determine this offence.

III. Two Just. of P. (1. Qu.) have power to commit or bind over such an offender to the next Assise or Sess.

IV. The party grieved (notwithstanding the punishment inflicted) is left to his remedie at law for the Recovery of his goods against the party offending.

Counterfeiters of the Kings Seal
or Coyne, s. Bailment, 1.

Coopers.

1. Stat. 8. El. 9. Coopers shall sell their Ale, Beere, and Sope Vessell at such rates, as shall be prescribed by I. of P. in their Sess.

after Easter, in paine to forfeite 3.s. 4.d. for every Vessell otherwise sold.

Crossebowes, *S.* Gunnes.

Currier, *S.* Leather.

Curfing, *S.* Swearing.

Custome, Customers, *S.* Actions popular, 15, 18. Recusants, 75, 94.

Cutpurse, *S.* Robbery.

Cutting out off tongues, &c. *S.* Felony, 5.

Cutting off a pond head, *S.* Fishing.

Deeds

Deeds, s. Inrolment.

Deere, s. Hunting.

Divine Service, s. Sacraments

Dying and Dyers, s. Drapery.

Drapery, Clothing.

I. **S**tat. 3. 4. E. 6. 2. Just. of P. & Head-officers shall in their severall precincts appoint and sweare overseers, for the due observing of this Statute concerning the well ordering of Cloth. 9. I

II. An overseer so by them chosen, shall undertake that office, in paine of xl. s. and none shall interrupt him in the execution of his office in paine of xx. l.

III. The forfeitures for defaults in Cloth making (mentioned in this Statute) shall be recovered in any of his Majesties Courts of Record or before Just. of P. in their severall limits within one year after the offence committed, and the one Moity thereof shall be given to the King, and the other to the Overseer, that discovers the said defaults, vide Stat. 5. 6. E. 6. 6.

IV. **S**tat. 23. El. 9. Two Just. of P. of the County or the Head officer of a Corporation 2

ration may command logwood (which some deceitfully use for Dying of Cloth) to be seized and openly burnt.

- 3 V Stat. 39. E. 11. A Just. of P. of the County or Head officer of a Corporation (being also a Just. of P. there) have power to call before them, and examine the Servants of persons suspected to use logwood in dying, and (if they shall find cause) to bind over to the next Qu. Sess. both the evidence, and party offending, and upon the Delinquents refusall to be bound shall commit him to prison till he find sureties: They shall also certify in at the same Sess. the examinations by them taken, where; if the party offending be convicted, he shall suffer the Pillory and forfeit xx. l. the one Moity to the Q. and the other to the prosecutor.

- 4 VI. Stat. 39. E. 10. None shall stretch, or straine any Clothes made on the North side of Trent in paine of five pounds, nor use any Engine to that purpose in paine of xx. l.

VII. Northerne Clothes shall be made of such weight, length, and bredth, as by former Statutes is provided upon the paines in the same Statutes contained.

VIII. A seale of leade shall be set to every Northern Cloth expressing the length and weight thereof, in pain to forfeit the same: And here, the offender shall also forfeit for every yard, that it wants of due length, 4. s. and for every pound, that it wants of due weight, 2. s.

IX. Over-

IX. Overseers shall be appointed and sworn in the County by two Just. of P. & in Corporations by the head officer calling to him the next Just. of P. to make search once a moneth at least for defects in Northerne Clothes, and if they shall find any stretched, strained or sealed with false scales, they shall make presentment thereof at the next Qu. Sessions: And here, he that denies, or withholds any faulty Clothes shall for the first offence forfeit x. l. for the second xx. l. and for the third (being thereof lawfully convicted by verdict and two witnesses) shall suffer the Pillory.

X. The Overseer, that refuseth to appear, or to undertake that office, shall forfeit 5. l. the one Moiety to the Queen, the other to the officers that made him overseer.

XI. The overseers shall fix a Scale of lead to such Clothes expressing the length and bredth of the same together with the word Searched, which shall exempt them to be searched else where.

XII. If any (save the said overseers) set to or take away any scale from the said Clothes without warrant, they shall forfeit to the Queene for the first offence x. l. and for the second (being thereof lawfully convicted by verdict, and two Witnesses) xx. l. and besides suffer the Pillory.

XIII. Justices of P. Headconstables and overseers shall search & seise ropes, wrinches & other Engines used for the unlawfull stretching of Northerne Clothes, and none shall

withstand them upon the forfeitures above mentioned for resisting the Overseers, 9.

XIV. The Justice, that shall be found negligent in the due execution of this Act, shall forfeit s. l. And this and all other forfeitures of this Act (except that mentioned Clause, 10.) shall be divided into three parts, whereof the Queene is to have one, the Informer another, and the poore of the place, where the offence is committed, the third.

XV. Justices of P. have power to heare and determine these offences in their Sess. and Just. of Assise to convict the Just. of P. that are negligent upon prooffe by two witnesses, but upon neglect of justice by the said Justice of P. and Just. of Assise the abovesaid penalties are recoverable in any other Court of Justice, and in that case the one half thereof shall go to the Q. and the other to the Informer.

XVI. The owners of Northerne Clothes brought up to be sold in London shall cause them to be brought to Blackwell Hall to be searched drie without wetting, in paine of xl.s. but here the Searcher shall not make his search at such times, when it may be a hinderance to the owners marker, in paine of v. l. These penalties are likewise given to the Queene, and the Informer.

5^o. XVII. Stat. 7. Jac. 7. The Sorrer, Carder, Kember, Spinster, or Weaver of Wooll or yarne, that shall be found (by his owne confession or the testimony of one Wicnes) to imbesill, or detain any part thereof from the

the true owner, shall incurre whipping, and the stocks, to be inflicted upon them in the Country by any two Just. of P. and in a Corporation, by the Head officer and another joyned with him; And here also the Receiver thereof shall incurre the like punishment, and those also in Essex, which use a Reel lesse then two yards about.

XVIII. Stat. 7. Jac. 16. Certaine course Clothes made in the North shall not be searched or sealed, nor any Custome or Aulnage payed for them.

XIX. Stat. 21. Jac. 18. Divers good provisions for the well ordering of Cloth, and divers penalties to be inflicted for the deceitfull making of the same.

XX. Any two Just. of P. may call before them any person suspected for making deceiveable Cloth, and if upon confession of the party or testimony of two witnesses they shall find any guilty thereof, and make Certificate accordingly under their hands and seales to the Churchwardens, and Overseers of the parish, where the offence is committed, those officers shall levie the penalties forfeited by distresse, and Sale of goods, and for want of distresse, the delinquent shall suffer imprisonment.

See *Labourers.* 54. and *Weights.* 35.

Drover, S. Badger, Holy-
dayes. 2.

Drunkenness, S. Alehouses.

Ecclesi.

Ecclesiasticall Court.

I. **S**tat. 21. H. 8. 5. Nothing shall be given for the Probate of a Will or for letters of Administration when the goods of the Dead exceed not 5. l. save only 6. d. to the Scribe, or Register; Nevertheless the Judge shall not refuse to prove such a testament being exhibited unto him in writing with wax ready to be sealed, and proved *communi forma*, but shall dispatch the party without delay.

II. For the Probate of a Will, and all other things concerning the same, when the goods of the dead exceed 5. l. but not xl. l. the Judges Fee is 2. s. 6. d. and the Registers for registering of it, 12. d. and when they exceed xl. l. the Judges Fee is 2. s. 6. d. as before, and the Registers as much: or the Registers may refuse the 2. s. 6. d. and take a 1. d. for every ten lines of the Will, each line being conceived to containe ten Inches in length: And for these fees they shall dispatch the party without any frustratory delay.

III. For letters of Administration, when the goods of the dead exceed 5. l. but not xl. l. the Officers Fees are only 2. s. 6. d.

IV. Lands devised to be sold shall not be accounted any of the Testators goods.

V. The Judge shall not refuse to receive an Inventory indented which the executor or administrator tenders him in Court together with his oath to verifie the same.

VI. The

Egyptians.

61

VI. The Fee for the copy either of a will or Inventory is the same with that above allowed to the Scribe for Registering the will, or else the Scribe or Register may take a 1.d. for every ten lines of the length aforesaid.

VII. The officer that takes more then his due Fee shall forfeit that excessse to the party grieved, and besides x.l. to be divided betwixt the King and the said party grieved.

VIII. Stat. 23. H. 8. 9. The Fee for the sale of the Citation is 3. d.

See *Tithes*.

Egyptians.

I. Stat. 1. 2. P. & M. 4. He that transports into this Kingdome or Wales certaine lewd people, which cal themselves Egyptians, shall forfeit xl. l.

II. Their continuing in England, or Wales by the space of a moneth, shall be adjudged Felony without Clergie.

III. He that obtaines License, letter, or Passport for them, shall forfeit xl. l.

IV. The forfeitures aforesaid shall be equally divided betwixt the K. and Q. Majesties, and the prosecutor.

V. Stat. 5. El. 20. Any person whatsoever consorting with Egyptians by the space of a moneth, shall be adjudged a felon without Clergie.

VI. This act shall not include Children within foureteene yeares of Age, nor People

ple in Prison, so they void the Kingdome within foureteen dayes after they shall be enlarged, or reforme their course of life.

VII. None borne within this Kingdome and Wales shall be compellable to void the Land by the *Stat. of 1. 2. P. M. 4.* but only to leave their naughty Course of life.

Embracery, S. Maintenance.

Enditements, S. Indictments.

Enquests, S. Jurors.

Escapes, S. Felony. 7.

Escheators.

I. *Stat. 23. H. 6. 17.* An Escheator shall not take above xl.s. for the execution of one Writ in one County, and that only when his labour and Costs require it, otherwise he ought to take lesse.

2 II. *Stat. 12. E. 4. 9.* None shall take upon him to be an Escheator or Deputy to an Escheator, unlesse the Escheator himselte hath Freehold within the County worth xx.l. per Annum, in paine of xl.l.

III. His Deputy or Farmor shall be a sufficient man, and shall Certifie into the Exchequer his deput ation within twenty dayes next after it is made, upon the like paine

paine of fortie pound.

IV. Justices of P. in Sess. have power to heare and determine these defaults, and to give Judgement for the recovery of the said forfeitures, which are to be distributed betwixt the K. and the prosecutor.

V. This Stat. shall not restraine Corporations, which have power by their Charter to appoint Escheators.

VI. Stat. 1. H. 8. 8. No Escheator or other person whatsoever shall sit by vertue of any Commission to inquire of Lands unlesse his lands be worth forty marks *per Annum* in paine of xx. l.

VII. Stat. 33. H. 8. 22. An Escheator shall not take for the finding of an office of lands, that exceed not the cleare yearly value of 3. l. *per Annum*, above 15. s. viz. for his owne Fee 6. s. 8. d. for writing the office 3. s. 4. d. for the charges of the Jury 3. s. and for the officers above, that are to receive the office, 2. s.

Estreats.

I. Stat. 9. E. 3. 5. Just. of Ass. G. D. and Oy. and Term. before they send their Records into the Exchequer, shall take Estreats out of them.

II. Stat. 31. E. 3. 3. A man or town charged in the Exchequer by the Estreats of the Justices with the detaining of the goods of fugitives, or Felons, shall be discharged upon producing another, that is chargeable.

III. Stat.

- 3 III. Stat. 42. E. 3. 9. The party Chargeable by the Estreats of greene wax, upon payment thereof shall see the schedules themselves under scale and totted, for default whereof, if he shall be afterwards damnified, the Sheriffe shall pay him treble damages, to be recovered before Just. of P. or other Justices, and shall besides make fine to the King.

S. Indictments, 5. Jurors, 9. Just. of P. 18.

Excommunicate persons,
S. Bailment, 1. Fighting,
Sheriffs, 4.

Extortion, S. Actions popular, 15.

Faires, S. Horses, 11, &c.
16, &c.

Fasting dayes, S. Fishdayes.
Feasants, S. Hawkes.

Felo-

Felony.

I. **Stat. 9. H. 3. 22.** The King shall have *Annum diem et vastum* in Felons lands, and then they shall be delivered to the Lords of whom they are holden. **I**

II. **Stat. 3. E. 1. 12.** Notorious Felons, which refuse lawfull triall, shall suffer strong and hard Imprisonment. **2**

III. **Stat. 1. E. 2.** It shall be Felony for any person to break Prison, being in for Felony, otherwise not. **3**

IV. **Stat. 5. H. 4. 4.** It is felony to multiply gold or Silver. **4**

V. **Stat. 5. H. 4. 5.** It is felony to cut out the tongue, or put out the eyes of any of the K. Subjects. **5**

VI. **Stat. 8. H. 6. 12.** Imbezeling of a Record, whereby any judgement shall be reversed, is Felony. **6**

VII. **Stat. 1. R. 3. 3.** Justices of P. have in Sess. power to enquire of the Escape of Felons. **7**

VIII. Officers shall not seise the goods of any arrested, or imprisoned for suspicion of Felony before his conviction, in paine to forfeite double the value of the goods so taken.

IX. **Stat. 3. H. 7. 14.** Conspiring by any of the Kings sworne Servants, to destroy the King, any Lord, or Counsellor sworne, shall be adjudged Felony. **8**

X. **Stat.**

- 9 X. Stat. 6.H.8. 6. The I. of the K.B. have power to remitt out of that Court Prisoners committed for felony or Murder, to be tried in the country where the offence was committed.
- 10 XI. Stat. 21. H. 8. 11. After Attainder of a Felon, the Justices before whom the Felony was tried, shall by a Writ of Restitution command the stolln goods to be restored to the right owner.
- 11 XII. Stat. 22.H.8. 11. It shall be Felony to break down Powdike in Norfolk, and Oldfield dike in the Isle of Ely.
- XIII. Iust. of P. there have power to heare and determine this Offence.
- 12 XIV. Stat. 24. H. 8. 5. There shall be no forfeiture of lands or goods for the killing of any person, that attempteth to Murder, rob, or burglarly to break any Mansionhouse.
- 13 XV. Stat. 31. El. 4. It shall be Felony to imbecill any warlike habiliments, or victualls provided for Souldiers, and others to the value of xx.s. worth, unlesse the delinquent be not prosecuted within one year after the offence committed, or otherwise shall discharge himselfe by lawfull prooffe.
- XVI. For this offence none shall incurre corruption of Blood, or forfeiture of Inheritance, or Dower.
- 14 XVII. Stat. 43. El. 13. In the Counties of Cumberland, Northumberland, Westmerland, and the Bishoprick of Duresme, the carrying away, or detaining of any person against

against his will, the assenting, or aiding to the taking or detaining of any person, the receiving or carrying of Black Maile, the giving of black Maile for protection, or the burning of Barnes, or stacks of grayne shall be adjudged Felony without Clergy, which the I. of Ass. G.D. and P. have power to hear and determine.

XVIII. The names of persons outlawed there for felony shall be delivered by the Clerks of the P. to all Sheriffs, Maiors, and other Head officers to be proclaimed throughout all the said Counties; And with them none shall converse, in paine to suffer six moneths Imprisonment, and not to be enlarged, till surety be given for the good behaviour during one whole yeare after such Imprisonment.

XIX. I. of Ass. G. D. Oyer and Term. & of P. have power to punish the negligence of officers in this behalf.

XX. This Act shall not impeach the authority of the Lord Wardens of the Marches.

*S. Bailment, 3.6.7. 11. Clergy. Hunters, 5.
Labourers. 1. Masons, Matrimony, 1.
Murder, 5.*

Felons goods, S. Felony, 8. 12.

Fighting and quarrelling.

I. Stat. 5. 6. E. 6. 4. None shall use chiding words.

words in the Church or Churchyard, in pain of Suspension for so long time as the Ordinary shall think fit, *viz.* of a lay man *ab ingressu Ecclesie*, and of a Clerk *à Ministerio officii*.

II. He that useth violent hands there, is thereby excommunicate *ipso facto*.

II. He that is convicted of striking with a weapon there (or of drawing it, with an intent to strike) before I. of Ass. of Oy. and T. or of P. in Seff. by verdict, his own Confession, or two lawfull witnesses, shall by Judgement of the said Justices have one of his Eares cut off, and in case he want Eares, shall be burned upon the Cheek with the Letter F. and shall stand excommunicate *Ipso facto*.

S. Maintenance, 7. &c.

Fish, Fishers, Fishing.

I. I. Stat. 13. E. 1. 47. Salmones shall not be taken betwixt the Nativity of our Lady, and Martlemas, nor young Salmones betwixt the middest of Aprill, and Midsommer.

II. Overseers of this statute shall be appointed, and sworne to enquire after the offenders, who for the first time shal be punished by burning their Nets or Engines; for the second by a quarter of a years imprisonment; for the third by a whole yeares imprisonment; and as the offence increaseth, so shall the punishment.

2. III. Stat. 13. R. 2. 19. No Fisher shall use

Fish, Fishers, Fishing. 69

use any Engine, by which the fry of Fish may be destroyed, upon the paines mentioned in the *Stat.* of 13.E.1.47.

IV. Salmons in Lancashire shall not be taken betwixt Michaelmas, and Candlemas.

V. Conservators shall be sworne to see this statute observed, and the offenders punished.

VI. *Stat.* 17. R. 2. 9. Just. of P. shall be Conservatour of Statutes of 13. E. 1. 47. & of 13. R. 2. 19. and shall have power to search all Weares, least by their straitnesse the fry of fish might be destroyed.

VII. Just. of P. have power to appoint and swear under conservators to heare and determine in Sess. offences of this kind, and to punish the offenders by Imprisonment, and fine, whereof the under conservator, which informes, is to have half.

VIII. The Maior or Warden of London hath like power in Thames, from Staines to London, and in Medeway, as far as the Citizens grant extends.

IX. *Stat.* 22. E. 4. 2. The contents of Vessells of Salmon, Hering and Eeles, And how fish shall be packed.

X. *Stat.* 11. H. 7. 23. The selling of Salmon and Eeles; their vessells, The packing, searching and gaging of them, and what Fee is due for the same.

XI. *Stat.* 1. E. 17. None shall use any net, or engine, to destroy the spawne or fry of fish or take salmons, or Trowts out of season, or Pikes shorter then ten inches,
Salmons

Salmons, then 16. Trowts, then 8. and Bar-bells, then 12. or use any engine, to take fish, other then an Angle, or a net, or tramell of two inches and an half meshe, in paine to forfeit 20. s. the fish wrongfully taken, and the net or Engine wrongfully used.

XII. All persons having jurisdiction of Conservancy upon streames or waters, and Lords of leets have power upon the oathes of twelve men to heare and determine these offences, and shall have all the forfeitures, which accrew therupon.

XIII. The steward of a Lect shall give this statute in Charge to the Jury, in pain of xl. s. to be divided betwixt the Queene and the Informer.

XIV. Here, if the Jury wilfully forbear to present offences of this kind, the Steward or Bayliffe shall impannell another Jury to enquire of their default, which being found, the first Jury shall forfeit xx.s. a piece.

XV. Upon default of presentment in leets within one yeare, Just. of P. in Sess. Just. of Oy. and Term. and Just. of Ass. in Circuits have power to heare and determine the said offences.

XVI. This Act shall not restraine the taking of Smelts, Leches, Mineis, Bulheads, Gudgions, or Eeles with nets or Engines formerly used, so that no other fish be taken therewith; nor shall extend to abridge any Farmer priviledge of Conservancy lawfully enjoyed, or of Fishing in Tweede, Vske or Wye, or in waters set to farme by the Q. Maje.

Fish, Fishers, Fishing. 71

Majesty, So that the spawne, or Fry of fish be not therein wilfully destroyed.

XVII. *Stat. 5. El. 5.* None shall set price, make restraint, or take toll (except at Kingstone upon Hull) of any Sea fish imported, in paine to forfeit the value thereof, and here it shall be lawfull to withstand the Toll taker. 7

XVIII. No purveyour shal take any Seafish brought out of a Subjects Ship without the parties consent, in pain to forfeit the double value thereof, and here also it shall be lawfull to withstand the Purveyour; But Composition Fish, and Regall Fish are excepted.

XIX. None shall buy any herrings of any stranger borne, being not sufficiently salted, Packed, and Casked, in paine to forfeit the said Herrings, or value thereof; But here those Herrings, that happen by Shipwrack are excepted.

XX. The *Stat. of 5. 6. E. 6. 14.* shall not extend to hinder the buying of Sea Fish unsalted or Mud fish out of English Botomes.

XXI. When the offences aforesaid shall be committed at land, or within any haven or Peere, Just. of P. Maiors and other head-officers in their Sess. have power to heare and determine them by the oathes of 12. men, or otherwise by Information or the the parties Confession.

XXII. Here, the forfeitures abovesaid happening in Corporate towns shall wholly accrew

accrow to the Corporation, but happening elsewhere in the Country prosecuted meerly at the Qu. Sute, by Information or otherwise, shall totally accrow to the Qu. And in these two Cases the sute ought to be commenced within one year next after the offence committed, but being prosecuted by an Informer they shall be divided betwixt the Qu. and the Informer; And here the sute ought to be commenced within six moneths.

8

XXIII. Stat. 1. Jac. 23. In the Counties of Somers^{et}, Devon and Cornewall, it shall be lawfull for the Huors of Fish to goe upon any mans ground neere the Sea Coast, to discover fish, and for Fishermen to drie their Seanes and Nets there, without danger of committing trespasse.

9

XXIV. Stat. 3. Jac. 12. None shall erect a Weare, or Weares along the Sea shore, or in any Haven or Creeke, or within five Miles of the mouth of any Haven, or Creek, or shall willingly destroy any Spawne or Fry of Fish, in paine of ten pound to be divided betwixt the K. and the prosecutor, neither shall any fish in any of the said places with any Net of a lesse Mash then three Inches and a half betwixt knot and knot (except for the taking of Smoulds in Norfolk only or with a Canvas net, or other Engine, whereby the Spawne or fry of fish may be destroyed, in paine to forfeit the said net or Engine and 10. s. in money to be divided betwixt the poore of the parish, and the prosecutor, and to be levied in Corporations by the Head

Hood officers, and in other places by distress, and sale of goods upon warrant of a Just. of P. directed unto the Constable, and Churchwardens of the same parish for that purpose.

S. Hawkes. 11. Hunters. 1. Labourers. 46.

Fish Dayes.

I. *Stat. 2. 3. E. 6. 19.* None shall eat flesh in Lent, or upon Frydayes, Saturdayes, Embring dayes or any other dayes reputed fish dayes, in paine of 10.s. ten dayes Imprisonment, and during that time to abstaine from flesh, and for every time offending afterwards to incurre double punishment.

1

II. Justices of G. D. and of P. have power to heare and determine this offence, and the forfeiture above said shall be divided betwixt the K. and the Informer being prosecutor, within three moneths after the offence committed.

III. This Act shall not restraine any person having the K. Licence to eat flesh, or being aged, weak, sick, in prison, Lievetenant of the Kings Army, or Governor of a Fort, nor any woman with Child, or in Childbed.

IV. *Stat. 5. 6. E. 6. 3.* The evens of all Holydayes commanded by this Statute (except S. Jo. the Evangelist and Philip and Jacob) shall be observed for fasting dayes, in pain of Ecclesiasticall Censure.

2

V. When the Holyday Even happens
E upon

3

Sunday, the Saturday is to be fasted.

VI. Stat. 5. El. 5. None shall eat flesh upon dayes usually observed as fish-dayes, in paine of 3. l. or three moneths imprisonment without bayle: And they that wittingly suffer any such offence to be committed within their house, and doe not discover it to an officer, that may punish it, shall forfeit xl.s.

VII. These forfeitures shall bee divided into three parts, whereof the Queene shall have one, the poore of the parish another, & the Informer the third.

VIII. Notwithstanding this Act, licences may be granted upon just causes, on these conditions following, viz. To a Peere or his Lady, if he pay yearly for it to the poore of the parish, where he dwels, 26. s. 8.d. to a Knight or his Lady, if he pay 13. s. 4. d. and to any other inferiour person, if he pay 6.s. 8.d. But here, no licence must extend to the eating of Beefe, at any time, or to the eating of Veale betwixt Michaelmas and May day.

IX. The Minister of the parish may grant a Licence to a sick person during the time of his sicknesse, and if the sicknesse continue above eight dayes, shall in the presence of one of the Churchwardens register the same and have 4. d. for the Registring of it, but here, if he grant the Licence without just cause, he shall forfeit five Markes.

X. Justices of P. Maiors and other Chief Officers have power in Sess. (within their severall

severall Jurisdicktions) to heare and determine these Offences, as well by the oathes of twelve men, as otherwise by Information.

XI. If any shall by preaching or otherwise avouch, or notifie, that any eating of fish, or forbearing of flesh is necessary for the saving of the soule, or the service of God, otherwise then as other Politrique lawes be, shall be punished as a spreader of false news. See *Newes*.

XII. *Stat.* 35. *El.* 7. The above said penalty of 3*l.* is mitigated to 2*s.* and that of 1*l.* s. to 13*s.* 4*d.* 4

Fishmonger, s. Victuall, 2.

Force. Forcible Entry.

I. *Stat.* 5. *R.* 2. 7. None shall enter into lands or tenements by force, in paine of Imprisonment, and Ransome at the Kings pleasure. I

II. *Stat.* 15. *R.* 2. 2. When forcible entry is made into lands or into Church-livings, one or more Just. of P. taking sufficient power and going to the place so kept by force, may commit the offender to the next Gaole, there to remaine convict by the Justices record, till he hath made fine, and Ransome to the King; And herein the Sheriffe, and all others shall be Assistants, in pain of Imprisonment, & great fines making. 2

E 2

III. *Stat.*

76 Force, Forcible Entry.

3

III. Stat. 8.H.6.9. The Stat. of 13. R.2. 2. shall be duly put in execution, both against forcible entry, and also against forcible detainer, although it be after peaceable entry; and all this, at the Costs of the party grieved.

IV. When complaint of any such entry, or detainer shall be made to any Justice, or Justices of P. he or they by precept shall command the Sheriffe to summon a sufficient Jury, and having by them made Inquiry of the force committed shall cause the tenements to be resealed and that as well in the absence, as presence of the party offending; And here the Alienation of Tenements (so entred into or detained by force) for maintenance shall be adjudged void.

V. If the Jurors make default Issues are to be set upon them by the Sheriffe thus, xx. s. upon the first precept, xl. s. upon the second, C. s. upon the third, and for every default after the double.

VI. The Sheriffe or Bailiffe that shall neglect his duty herein shall forfeit xx. l. to be recovered against him as well before the Justices aforesaid, as before Just. of Ass. by Indictment, or Bill, and to be divided betwixt the K. and the prosecutor.

VII. In an assise of Novel disseisin, or Action of trespassse against the party guilty of forcible entry, forcible detainer, or Alienation, as aforesaid, the party grieved shall recover treble damages.

VIII. Head officers and Just of P. of Corporations

Force, Forcible entry. 77

porations have like power within their Franchises, that other Just. of P. have within Counties.

IX. This Statute shall endamage none, where peaceable possession hath been enjoyed by the space of three yeares.

X. Stat. 32. H. 8. 33. A disseisor dying seised taketh not away title of entry from the disseisee or his heire, except the disseisor enjoyed the tenements peaceably without entry or claime of the disseisee, 5. years before his death. 4

XI. Stat. 31. E. 11. There shall be no Restitution upon an Indictment of forcible entry or detainer, where the defendant hath been three years next before in quiet possession, and his estate therein not ended. 5

XII. Stat. 21. Jac. 15. Vpon force or detainer, as aforesaid, a Justice or Just. of P. have power to give restitution of possession aswell unto Tenants for years by *Elegit*, Statute merchant, or staple, Coppisholders, or Guardians by Knight service, as unto those that Clayme Free hold or Inheritance. 6

S. Maintenance. 14.

Forests, S. Horses. 5. Hunters.

Forestallers, Regrators, Ingrossers.

I. Stat. 5. 6. E. 6. 14. He that shall buy, R
E 3 or.

or contract any Merchandize, Victuall, or other thing (in the way) before it shall be brought (by land or by water) unto any Port, rode, Faire or Market, where it should be sold, or shall dissuade people from bringing any such commoditie to any such place, or (being brought) shall perswade them to enhance the price thereof, shall be adjudged a Forefaller.

II. A Regrator is he, that buyes any grain, victuall or other commodity in a Faire or Market and sells the same againe in the same Fair, or Market, or some other Fair or Market, within four Miles.

III. An Ingrosser is he, that buyes or gets into his hands any grain growing upon the ground or other commodity above mentioned, with an intent to sell the same againe.

IV. The party guilty of any of the offences abovesaid, shall forfeit for the first offence the value of the goods so bought or had, and suffer two moneths Imprisonment without Baile, for the second, the double value, and six moneths Imprisonment without Bail, and for the third shall forfeit all his goods, be set upon the Pillory, and suffer imprisonment at the K. pleasure.

V. This Act shall not restraine the buying of Barly or oates to be converted into Mault, or oatmeale, nor the Provision of Victualling any towne corporate, Ship, Castle, Fort, or of Barwick, Holy-Iland, &c. or any Fishmonger, In-holder, Victualler,

Viſtualler, Butcher, Poulterer, or peopledwel-
ling within one Mile of the main Sea, which
uſe to buy and ſell fiſh, for any thing concer-
ning their ſeverall Myſteries or trading, they
retayling the ſame againe at reaſonable
prices; nor any Badger, Lader, Kidder, or
Carrier, aſſigned to that office by three Juſt.
of P. and delivering the Commodity out of
his hand, within one moneth after he buyes
it; nor the taking of any thing reſerved
upon any leaſe, ſo that all theſe things be
done without fraud or foreſtalling.

VI. He that buyeth graine in any market
for change of ſeed, ſhall bring as much the
ſame day, and ſell it, if he can, according to
the preſent Price of graine there, in paine
to forfeit double the value of the graine ſo
bought.

VII. He that buyes any Cattle, and ſells
the ſame againe alive within five weeks, ſhall
forfeit double the value thereof, during which
time he ought to keepe them upon paſture,
which he hath either by graunt or preſcrip-
tion.

VIII. Juſtices of P. in Seſſ. have power
to heare and determine the aforeſaid offen-
ces by Inquiſition, preſentment, Bill, or In-
formation, or by the Teſtimony of two Wit-
neſſes, and to extract the one half of the for-
feitures to the uſe of the King, and cauſe
the other halfe to be levied to the uſe of the
proſecutor by *Fieri facias* or *capias*, and when
the proſecution ſhall be at the Kings ſuite
only, to extract the whole to the Kings uſe.

IX. None shall be punished twice for the same offence.

X. This Act shall not restrain the Transporter of Graine or Cattle from Port to Port (allowed by three Justices of P. and not fore-stalling) so that he imbarke the same within 40. dayes after he buyes them, and brings back from some Just. of P. or Head-Officer, a Certificate of their unlading agreeable to his Cocker.

XI. The offences against this Statute shall be prosecuted within two yeares.

XII. This Act shall not restrain a Drover allowed by three Just. of P. (1. Q. 1.) and selling his Cattel at 40. miles distance from the place where he bought them: Howbeit such allowance ought not to continue above one yeare.

Vide Stat. 31. E. 1. Stat. of Clothes.

25. E. 3. 3. and Stat. 2. R. 2. 2.

And also, Actions popular, 15. Badgers, 2. Weights, 18.

Franchises, s. Liberties.

Fruiterers, s. Victuall, 10.

Fuell.

Stat. 7. E. 6. 7. A Justice of P. hath power to commit to the Pillory such as are not able to pay the forfeitures for breaking the Assise of Fuell.

For

Gold, Silver, Goldsmiths. 31

For the Assise of Fuel, and the penalty of breaking the same, See 43. El. 14.

Games, S. Playes.

Gaole, Gaolers, S. Prisons.

Gold, Silver, Goldsmiths.

I. **Stat. 8. H. 5. 3.** None shall gild any thing, but Silver, or the Ornaments of holy Church; nor silver any thing but Knights spurres, or the apparell of a Baron, or, above that estate, in pain to forfeit ten times the value of the thing so gilt, and to suffer one yeares imprisonment.

II. Just. of P. have power to heare and determine these offences, and the prosecutor shall have one third part of the forfeiture.

III. **Stat. 2. H. 6. 14.** Goldsmiths that work any silver not of the finenesse of Sterling, or shall not set their mark thereon, shall forfeit double the value thereof, to be divided betwixt the King and the Prosecutor.

IV. Justices of P. have power to heare and determine these offences.

V. **Stat. 18. El. 15.** Two and twenty carats are the measure for the finenesse of gold, and eleven ounces and a half for that of silver.

S. Actions popular, 18. Felony, 4.

Graine, *S. Corne.*

Green Waxe, *S. Estreats.*

Guns and Crosse-bowes.

I. *I. Stat. 33.H.8.6.* None shall shoot in, or keep in his house any Crosse-bow, Hand-gun, Hagbut, or Demy-hake, unlessse his lands be of the value of a 100. li. *per Annum*, in pain to forfeit x.l. for every such offence.

II. None shall shoot in or have any hand-gun under the length of one yard, nor hagbut or demy-hake under the length of three quarters of a yard, in pain to forfeit 10.li. And it shall be lawfull for any man, having lands of 100. li. *per annum*, to seise any such gun, or any Crossebow to his own use, but then he ought to break them within twenty dayes after, in pain of xl.s.

III. None shall travell with a Crossebow bent, or Gun charged, except in time of Warre, or shoot within a quarter of a mile of a City, Borough, or Market town, except for the defence of himself or his house, or at a dead mark, in pain of ten pound.

IV. None shall command his servant to shoot in any gun, or crosse-bow, except at a dead mark, or in time of Warre, in pain of ten pound.

V. The penalties abovesaid shall be divided betwixt the King and the prosecutor.

VI. Howbeit the followers of Lords Spiritual & Temporal, & Knights, Esquires, & gentlemen, & the Inhabitants of Cities, Boroughs, or Market Towns, may keep in their houses, and use to shoot (but at a dead mark onely) with guns not under the lengths abovesaid: So may the owner of a Ship for the defence of his Ship; And also he which dwels two furlongs distant from any towne, or within five miles of the Sea-coast, and this last may shoot at any wild beast or fowle, save onely Deere, Heron, Shovelard, Fesant, Partridge, wild Swan, or wild Elkes.

VII. Those which have power from the King to take away Guns, and Crosse-bowes, in Forests, Parks, and Chases, may retaine the same notwithstanding this Act; So may likewise Smiths and Merchants, that make or sell them, the severall lengths abovesaid being duly observed.

VIII. It shall be lawfull for any person to convey the party offending against this act before the next Just. of P. who upon due examination and prooffe shall have power to commit him to prison, there to remaine till he hath satisfied the penalty, which in this case shall be divided betwixt the King and the party that so takes the offender.

IX. Every Placard granted by the King, which expresseth not at what Beasts or Fowl the Graunttee shall shoot; and where the Graunttee entureth not in a Recognizance of

of twenty pound in the Chancery, to shoot at no other shall be adjudged voyd.

X. Just. of P. in Sess. and Stewards of of Leets have power to hear and determine these offences.

XI. When the conviction is in Sess. the whole forfeitures is to be levied to the Kings use: when in a Leet the one half is the Kings, and the other halfe ought to be divided betwixt the Lord and the Prosecutor.

XII. Here if a Jury shall willingly conceal any thing the Just. or Steward have power to impanel another Jury, by whom if the first Jury be found guilty of concealment, they shall forfeit 20 s. apiece, viz. to the King if it be in Sess. but if in a Leet, then the one half to the Lord, and the other halfe to the Prosecutor.

XIII. Forfeitures arising by this act, shall be sued for, viz. by the King, within one year, and by a common person within six moneths, otherwise they shall be lost.

XIV. A servant upon command may use his Masters crosse-bow or gun (not prohibited by this act) so as he shoot at no Fowle, Deere, or other game, and may by a license in writing carry it to any place to be amended.

See Hawks, 26. Hunters 12.

2 XV. Stat. 2.3.E.6. 14. None under the degree of a Baron shall shoot in any hand-gun within any City or Towne, at any Fowle whatsoever, or with any haile-shot, in pain of x.l.

XVI. This

XVI. This act shall not restraine those, which according to the value of their land, are authorised to shoot by 33.H.8.6. So that they forbear to use haile-shot; And all others, which presume to shoot, shall present their own names, viz. (in a Corporation) to the Mayor or head Officer, and (in the Country) to the next Justice of P. in pain of xx.s. and the said Just. or Head Officer is to see them recorded at the next Sess. in the like paine of twenty shillings, which forfeitures are to be divided betwixt the King, and the Prosecutor.

See Hawks 26.

Gunners, s. Capitaines, 32.
Labourers, 46.

Habeas Corpus, s. Bailement, 10.

Hares, s. Hunting.

Hats, s. Labourers, 47. &c.

Hawkes, Hawking, Feasants, Partridges, &c.

I. Cart. fol. 9. H. 3. 13. Every Free-man may have within his own woods, Ayries of Hawks,

86 Hawkes, Hawking, &c.

Hawks, Sparrow hawks, Faulcons, Eagles, & Herons.

2 II. Stat. 34. E. 3. 22. An Hawk taken up shall be delivered to the Sheriffe, who after Proclamation made, shall deliver her to the right owner.

III. If the Hawk were taken up by a mean man, and be challenged within foure monerhs, the Sheriffe shall retaine her, but if by one, that may keep a Hawk, the Sheriffe shall restore her to him againe.

IV. If any doth take and conceale a Hawk, he shall answer the value thereof, and suffer two yeares imprisonment.

3 V. Stat. 37. E. 3. 19. He that steales and carries away a Hawk, not observing the ordinance of 34. E. 3. 22. shall be deemed a Felon.

4 VI. Stat. 11. H. 7. 17. None shall take Feasants, or Partridges with Engins in anothers ground without licence, in pain of x. l. to be divided betwixt the owner of the ground and the prosecutor.

VII. None shall take out of the nest any Egges of Faulcon, Goshawk, Lannor, or Swan, in paine of a yeare and a dayes Imprisonment, and to incurre a fine at the Kings pleasure, to be divided betwixt the King and the owner of the ground, where the said Hawkes Egges shall be taken, but to the owner of the Swan, where Swans Egges are taken.

VIII. None shall beare any Hawk of English breed called an Eycsse, Goshawk, Tassell, Lanner,

Hawkes, Hawking, &c. 87

Lanner, Laneret, or Faulcon, in pain to forfeit the same to the King.

IX. He that brings an Eyefle hawk from beyond the Sea shall have a Certificate under the Customers Seale where he lands, or if out of Scotland, then under the Seal of the Lord warden or his Lievtenant, testifying that she is a forraine Hawk, upon the like paine of forfeiting the Hawk.

X. None shall take, kill or feare away any of the Hawkes abovesaid from their Coverts where they use to breed, in pain of x. l. to be recovered before Just. of Peace and divided betwixt the King and the prosecutor.

XI. Stat. 5. Ed. 2. 1. None shall unlawfully break downe Fishpond heads, or enter into any Charter park, woods, or other grounds and there kill, or chase the deere, or take away hawkes, or Hawks Egges, in pain to suffer three moneths Imprisonment, and to be bound with good Sureties to the good behaviour for seven yeares after.

XII. The party grieved shall in Sess. or elsewhere recover treble dammages against the Delinquent, and upon satisfaction shall have liberty to procure his release of the behaviour.

XIII. Just. of Oy. and Term. and Assise, and Just. of P. and G. D. in Sess. have power to heare and determine these offences.

XIV. The said Just. of P. upon the offenders acknowledgement in Sess. and satisfaction to the party grieved, shall have power to release that behaviour.

XV. Stat.

88 Hawkes, Hawking, &c.

6 XV. Stat. 23. El. 10. None shall kill or take any Fesants or Partridges with any net or Engine in the night time, in paine to forfeit for every Feasant xx. s. and for every Partridge x.s. which if the offender pay not within ten dayes, he shall suffer one Moneths Imprisonment without Baile; and enter into Bond with good Sureties before some Just. of P. not to offend in the like kind within two years after.

XVI. The forfeitures aforesaid shall be recovered in any Court of Record, and divided betwixt the Lord of the liberty or manor, where the offence is committed, and the prosecutor, but in case the Lord shall dispense with the offender, the poore of the parish are to have his Moity, to be recovered by any of the Churchwardens.

XVII. None shall hawk or hunt with his Spaniels in standing graine, or before it is stocked (except in his owne ground, or with the owners consent) in paine to forfeit xl. s. to the owner of the said ground to be recovered as aforesaid.

XVIII. Just. of Ass. Just. of P. in Sess. and afterwards in Leets, have power to heare and determine these offences. And one Just. of P. may examine such an offender, and bind him over with good Sureties to answer it, at the next generall Sess. if the offence be not before determined at the Assises, or in a Leet.

XIX. This Act shall not restrain Fowlers, which unwillingly take Feasants, or Partridges,

ges, and forthwith let them go at large.

XX. Stat. 1. Jac. 17. Every person convicted by his own confession, or upon oath by two witnesses, before two or more I. of P. to have killed or taken any Feasant, Partridge, Pigeon, Duck, Heron, Hare, or other game, or to have taken or destroyed the Eggs of Feasants, Partridges or Swans, shall by the said Just. be committed to prison without bail; unless he immediately pay to the use of the Poore, where the offence was committed, or he apprehended, xx. s. for every fowle, Hare, or Egge so killed taken or destroyed, and after one months commitment shall before two or more Just. of P. be bound with two sufficient Sureties in xx. l. a piece with condition never to offend in the like kind againe.

XXI. Every person convicted as above-said, to keep a Grayhound, dog or net to kill or take Deer, Hare, Feasant, or Partridge (unless he have inheritance of 10. l. per Annum, a lease for life of xxx. l. per Annum, or be worth 200. l. in goods, or otherwise be the Son of a Baron or Knight, or heire apparant of an Esquire) shall suffer imprisonment as aforesaid, unless he forthwith pay xl. s. to the use above-said.

XXII. None shall sell, or buy to sell again any Deere, Hare, Feasant, or Partridge (except Feasants or Partridges by them reared up or brought from beyond Sea) in paine to forfeit for every Deere xl. s. Hare, x. s. Feasant xx. s. and Partridge x. s.

XXIII. The

90 Hawkes, Hawking, &c.

XXIII. The forfeitures abovesaid shall be divided betwixt the prosecutor and the Poor of the parish, where the offence is committed.

XXIV. Just. of Ass. I. of P. in Sess. and two or more Just. of P. out of Sess. have power to heare and determine these offences.

XXV. None shall by any former law suffer punishment for the same offence, for which he shall be punished by this Law.

XXVI. This Act shall nor restraine one licenced in open Sess. to kill Hawkes meare; but the he shal there become bound by recognisance in xxl. not to kill any of the games prohibited by this Law, nor to shoot within 600 pace of a Hearnery, within 100 pace of a Pigeon house, or in a Park, Forest or Chase, whereof his Master is not owner, or keeper; The Clerk of the P. his Fee for such a licence is 12.d.

8 XXVII. Stat. 7. Jac. 11. Every person convicted by his owne confession, or by two witnesses upon oath before two or more Just. of P. to have hawked at, or destroyed any Feasant or Partridge betwixt the first of Iuly, and the last of August, shall suffer one moneths Imprisonment without Baile; unlesse he forthwith pay to the use of the Poore, where the offence was committed, or he apprehended, xl.s. for every time so hawking, and xx. s. for every Feasant or Partridge so destroyed, or taken.

XXVIII. He that shall be punished by this law

Hawkes, Hawking, &c. 91

law shall not again be punished by any other law for the same offence.

XXIX. This offence shall be prosecuted within six moneths after it shall be committed.

XXX. It shall be lawfull for the Lord of a Mannor or any having free warren, Inheritance of xl. l. *per Annum*, Freehold of lxxx. l. *per Annum*, or goods worth 400. l. or their servants (licenced by them) to take Fesants or Partridges within their own grounds or precinct, so they do it in the day time, and only betwixt Michaelmas and Christmas.

XXXI. If any (of meane Condition) shall be convicted by his owne confession or by one witnesse upon oath, before two or more I. of P. to have killed, or taken any Fesant, or Partridge with dogs, nets, or engines, he shall by the said Justices be committed to prison without Baile, unlesse he forthwith pay to the use of the poor, where the offence was committed xx.s. for every Fesant or Partridge so killed or taken: and also become bound before one or more I. of P. in a recognisance of 20. l. never to offend in the like kind againe.

XXXII. Every Costable or head-borough (upon warrant under the hands of two or more I. of P.) hath power to search the houses of persons suspected to offend against the Law, and the dogs or nets there found, to kill, and cut in pieces, at pleasure, as things forfeited unto the said officers.

Hering,

Hering, S. Corne, I.

High-Wayes.

I I. Stat. 1. M. Parl. secund. cap. 5. Justices of the Counties of Dorset and Sommer-set shall asseſſe those Countries towards the repaire of the Cawſey lying between Shaftsbury, and Sherburne: *See the ſtatute at large.*

2 II. Stat. 2. 3. P. M. 8. The Conſtables and Churchwardens of every pariſh ſhall yearly upon Tueſday or Wedneſday in Eaſter week call together ſome of their neighbours, and then make choice of two within the pariſh to be Surveyours of the High-ways the yeare following, who ſhall forthwith take that office upon them, in paine to forfeit 20. s. a piece: The ſaid Conſt. and Churchw. ſhall then alſo nominate foure dayes betwixt that time and Miſſommer to be ſet apart for the Amendment of the high-ways, and ſhall give publique notice thereof in the Church the next ſunday after Eaſter.

III. The officers and dayes being thus appointed, every one having a team, or a plow-land either in arable or in paſture, is chargeable to ſend two able men with a Teame and tooles convenient to worke eight houres upon every one of thoſe foure dayes, in pain

to forfeit x.s. for every day default is made: And every Cottager is bound to work himselfe or to find one to work for him as aforesaid, in pain to forfeit 12. d. for every day.

IV. The Surveyours have power to appoint, instead of a team two able Labourers to worke as aforesaid, who shall not faile in pain of 12. d. a piece for every day.

V. Stewards in Leets have power to inquire after the breach of this Act, and to set Fines upon those that make default at their discretion, and shall within six weekes after Michaelmas deliver indented estreats thereof under their hands and scales, viz. one to the Bailiffe or high Constable of the liberry and the other to the Constables and Churchwardens of the parish, where the default was made.

VI. In default of presentmēt thereof, in Leets, the Justices of P. in Sess. shall enquire thereof, & set such fines as they or two of them (1 Qu.) shall think fit, whereof the Clerk of the P. shall also deliver indented Estreats under hishād, & seal, to the Const. & Churchw. as aforesaid.

VII. Their Estreats shall be a sufficient warrant for the Bailiffe or chief Const. to levy the said Fines by way of distresse; and if no distresse can be found, or the party do not pay the fyne within 20 dayes after lawfull demand, he or they shall forfeit double so much; All which fynes, & forfeitures shall be employed towards the Amendment of the high-ways.

VIII. The Bailiffe or high Const. shall yearly

yearly betwixt the first of March and the last of Aprill render unto the Const. and Churchw. unto whom the other part of the Estrcats was delivered a true Accompt of the moneys received by him in paine of xl. s. And the said Const. and Churchwardens have power to call the said Bailiffe, or high-Const. before two or more Just. of P. (1 Qu.) to passe his accompt, who have power to commit him untill he shall have satisfied all the arrerages by him received save 8. d. in the pound for his own Fee, and 12. d. in the pound for the Fee of the Steward, or Clerk of the P. and in this Case the succeeding Const. and Churchw. have the same power, that their predecessors had.

3

IX Stat. 5. El. 13. It shall be lawfull for Surveyors to turn a watercourse (hurtfull to the high-way) into any mans ditch, or to take rubbish ready digged in or neere any mans Quarry, and for default of gravell, &c. elsewhere, to dig in any severall ground, so they forbear to dig in houses, orchards, gardens, and meadows, or to make a pit above ten yards broad: But if they fill not the place again with earth (at the costs of the parish) within one moneth after it shal be so digged, they forfeit five marks to the owner of the ground to be recovered by Action of debr.

X. The hedges and ditches adjoyning to the high-way shall be kept low and scowred, and the trees and bushes growing in the high-way cut downe by the owners of the grounds, which shall be inclosed by the said hedges

hedges and Ditches.

XI. Instead of the foure dayes appointed by the *Stat.* of 2.3. *P. M.* 8. six dayes shall hereafter be observed.

XII. The Surveyors or one of them shall present every default within one month after it shall be made, to the next I. of P. in pain of xl. s. and the said I. of P. shall certifie the same presentment at the next general Sess. in pain of 5. l. where the Justices shall have power to enquire of the default; And shall set such fyne upon the delinquent as they or two of them (1 *Qu.*) shall think fit.

XIII. Here the presentment of a Just. of P. in Sess. upon his owne knowledge shall be a good conviction, whereupon the Justices in Sessions or any two of them (1 *Qu.*) may assesse a fyne, as well as upon a verdict of 12 men; Howbeit the Delinquent shall here be admitted to his traverse as in other Cases.

XIV. The Fines assessed in Sess. shall be estreated by the Clerk of the Peace, levied, accompted, and imployed, as by the *Stat.* 2. 3. *P. M.* 8. is provided.

XV. *Stat.* 18. *El.* 10. A subsidy man according to 5. l. in goods or xl. s. in Lands, not chargeable towards the high-ways by the *Stat.* of 2.3. *P. M.* 8. or 5. *El.* 13. shall find two able men to labour in the wayes as by the said statute is appointed.

XVI. Every person having a Ploughland lying in severall parishes, shall be chargeable with a Teame or draught in that parish only

ly where he dwels: Howbeit having intire Ploughlands in severall parishes, he shall for every one of them find a Teame in the severall parishes where they lye, although he be not inhabitant there.

XVII. Every person not scowring his ditches or not keeping low his hedges, trees, and bushes, according to the *Stat. of 5. EL. 13.* shall forfeit for every such default x. s. and for not scowring his ditches in the ground next adjoyning the highwayes, to the end the water may have passage the better, shall forfeit 12. d. for every pole so left unscowred.

XVIII. None shall cast the scowring of his ditch into the highway, and suffer it to lie there six moneths, in paine to forfeit 12. d. for every load, and it shall be lawfull for the Surveyors to make sluices, where any such Bankes have been heretofore cast up.

XIX. The penalties forfeited upon this *stat.* shall be levied by the Surveyors for the time being by distresse and sale of goods, and shall be employed towards the Amendment of the High-wayes: but if the Surveyors neglect to doe it within one yeare after the offence committed, the Const. and Churchw. shall do it, according to the provisions of the before recited Statutes.

XX. I. of Ass. Oy. and Term. Just. of P. in Sess. and Stewards of Leets have power to heare, and determine the said offences.

XXI. Certaine provisions for the repaire of Kings Ferry in the Ile of Shippey, and of the wayes leading thereunto.

XXII. *Stat.*

XXII. Stat. 39. El. 19. An Ordinance
for the Repaire of the high wayes in the
Welds of Suffex, &c. used for Iron workes,
wherein Just. of P. have power to meddle,
See the Statute at large.

S. Bridges.

Holy-dayes.

I. Stat. 1. Car. 1. All concourse of peo-
ple out of their own parishes for any pa-
stimes whatsoever, as also bear baytings, bull-
baytings, Enterludes, Common playes, & all o-
ther unlawfull pastimes are prohibited on the
Lords day.

II. The offender against this law being
thereof convicted by the view of one Just.
of P. (in the Country) or of a chiefe officer
(in a Corporation) or by his own confession,
or by the oath of one witnesse before one
such Just. or officer, shall forfeit 3. s. 4. d. to
the use of the poore where the offence is
committed, to be levied by distresse, and
sale of goods (upon warrant from the same
Just. or officer) by the Const. or Churchw.
of the same parish, and in case no distresse
can be had, the offender shall sit in the stocks
three howres, but this offence ought to be
prosecuted within one moneth after it shall
be committed; And if the officer be questio-
ned, he shall plead the generall issue, and yet
give speciall matter in evidence.

III. Stat. 3. Car. 1. No Carrier with his
horse, Wagoner with his wagon, Carman
with his Cart, Waynman with his Wayne, or

F

Drover

Drover with his Cattle shall travell upon the Lords day, in paine to forfeit xx. s. for every such offence.

IV. No Butcher shall kill or sell any Victual upon the same day in paine of 8. s. 8d.

V. Here the conviction of the offender, and the levying and imployment of the forfeitures are the same with those of the former Statute; save only that here two witnesses are ~~not~~ necessary, and the forfeitures may also be recovered by a prosecutor in the Sess. of the County, or in the Court of the Corporation, where the offence was committed, and in that case the Justice or head-officer may allow the prosecutor part of the forfeitures, but not above a third part.

VI. This Action shall be prosecuted within six moneths; and here also the officer may plead the generall issue, &c.

S. Fishdayes, 4. Recusants, 98. Sacraments, 24.

Horse-bread, S. Inholders.

Horses.

- I. *Stat. 32. H. 8. 13.* None shall put to feed upon Forests, or common ground any stoned horse being above 2. yeares old and not fifteen handfull high from the lower part of the hooft to the upper part of the Withers (every handfull being accompted 4. Inches standard measure) in paine to forfeit the same horse, 15. 21.

II. It

II. It shall be lawfull for any man to seise to his owne use any stoned horse of lesser stature put to feed upon any such common ground, as aforesaid, so that first (by the Assistance of the keeper of the ground or Constable, Bayliffe, Head-borough, or other such officer of the parish next adjoyning) such horse be brought to the next pound, and there (by the officer and in the presence of three other sufficient men) be measured and found lower then that stature.

III. Those that refuse to measure, or to be present at measuring of such horse, shall forfeit xl. s. a peece for every such default, to bee divided betwixt the King and the prosecutor.

IV. A horse that makes an Escape into such Common shall not be questioned; so he stay not above four dayes after notice thereof given at the owners house or in his parish Church.

V. Forests and common grounds shall be driven yearly at Michaelmas or within xv. dayes after, by the Keepers or officers aforesaid, in paine of xl. s. who have also power to drive them at any other time of the yeare at their pleasure, such power likewise have the owners of such grounds: And here, upon the drift, if any unlikely Tits shall be found, they shall be kild.

VI. Just. of P. in Sess. have power to heare and determine these offences. But stewards of Leers only to take presentments of them, which they shall certifie in at the next gene-

rall Sess. or to the *Custos Rotulorum* within 40 dayes in paine of 40. s.

VII. None shall put upon common grounds or common fields any scabbed or infected horse, in pain to forfeit x. s. to the Lord of the Leet.

VIII. This statute shall not restrain keeping of horses under this Statute upon Commons, where Mares are not usually kept.

2 IX. Stat. 1. E. 6. 5. None shall convey, sell or deliver any horse into Scotland or any other forraine Country without the Kings Licence, in paine to forfeit such horse, and xl. l. to be divided betwixt the King and the Prosecutor.

X. Wardens of the Marches, and Just. of P. in Sess. have power to heare and determine these offences, and it shall be lawfull for any of the Kings Subjects to arrest and imprison any Scotch man or other that shall convey any horse contrary to this Act.

3 XI. Stat. 2. 3. P. M. 7. Every owner of a Faire or Market shall appoint a Toll-taker where Toll is taken, or a Book-keeper where no toll is paid, to sit there from ten of the Clock in the forenoone till Sun-set, in paine of xl. s. for every default; And this Officer shall enter into a Booke the names and dwellings of the Buyer and seller, together with the Colour and some pregnant Mark of every horse there sold, in like pain of xl. s. for every default.

XII. The Toll-taker or Book-keeper shall
(within

(within one day after) deliver unto the said owner a note of all the horses sold there that day, in pain of xl.s. which note the owner shall subscribe, in the like pain of xl.s.

XIII. Sale of a stolne horse In a faire or market without entry in the Book, as afore-said, and without staying there in open view by the space of an houre at least betwixt ten of the Clock, and Sun set, shall not alter the property of the right owner. But that he may by vertue of this Act seise or replevy him, wheresoever he finds him.

XIV. Just. of P. in Sess. shall have power to hear and determine the breach of this Stat. and the forfeitures shall be divided betwixt the King and Queens Majesties and the prosecutor, 16, &c.

XV. Stat. 8. El. 8. The Statute of 32. H. 8. 13. shall not restrain the keeping of stoned horses of a lower stature in the Fen grounds of the Ile of Ely, or of the Counties of Cambridge, Huntington, Northampton, Lincoln, Norfolk, or Suffolk, so that those horses so kept, be not under thirteen handfull high, according to the standard in the same statute mentioned. 4

XVI. Stat. 31. El. 12. The seller of a horse in a Fair or Market, which is not known to the Toll-taker, or Book-keeper, or doth not produce one credible person, that is well knowne unto him, to avouch the Sale of the same horse, shall forfeit 5. l. to be divided betwixt the King and the prosecutor, and besides, the sale of such horse shall be voyd. 5

XVII. The names of the Buyer, Seller and voucher, and the price of the horse shall be entred in the Toll-book, and a note thereof delivered to the buyer under the Toll-takers, or Book-keepers hand, for which the Buyer shall pay 2. d.

XVIII. Just. of the P. in Sess. have power to heare, and determine these offences.

XIX. Notwithstanding such sale, and voucher, as aforesaid, the right owner, or his executors may redeeme a stolne horse, if they clayme him within six moneths after the stealing, at the Parish or Corporation where they shall find him, and make prooffe by two sufficient Witnesses before the next Just. of P. in the Country, or before the Head-officer of the Corporation, that the horse was his, and repay to the Buyer such price for the horse, as the same Buyer shall upon his owne oath, before such Justice, or Officer, testifie to have payed for him.

XX. An Accessary of a horse-stealer shall not have his Clergy.

6 XXI. Stat. 21. Jac. 28. The statute of 32. H. 8. 13. shall not extend to the Countrey of Cornewall.

Hoflers, s. Inholders. Purveyors, 56. Victuall, 2.

Hof-

Hospitalls, s. Poore people, 15.

Houses of Correction, s. Poor
people, s. Vagabonds.

Hue and Cry.

I. **Stat. 3. E. 1. 9.** All persons shall be ready to pursue felony, in paine of Imprisonment, and great Fines making. I

II. **Stat. of Winchester 13. E. 1. 1. 2. & 18. E. 3. 11.** Fresh Suit shall be made after felons from town to town, and from Country to Country, And if they be not taken within 40 dayes the Hundred shall be answerable for the damages, or two Hundreds, when the felony shall be committed in the division of those two Hundreds. 2

III. **Stat. 27. E. 1. 13.** The Hundred where fresh Suit shall cease shall answer half the damages to the Hundred, wherein the felony shall be committed, to be recovered in any Court at Westminster in the name of the Clerk of the P. of the County, wherein the felony was committed, and here the death, or change of the Clerk of the P. shall not abate the Suit. 3

IV. When in this case damages are recovered against one or some few Inhabitants of the Hundred, and the rest refuse to contri-

bute thereunto, two Just. of P. (1. Qu.) dwelling within or neere the same Hundred shall for the levying thereof set a tax upon every parish within that Hundred, according to which the Constables and headboroughs of every towne shall tax the particular Inhabitants, and levy the money upon them by distresse, and sale of goods, and deliver the mony levied to the said Just. or one of them.

I V. No Hundred shall be chargeable, when any one of the malefactors shall be apprehended, or when the Action is not prosecuted within one year after the Robbery committed.

VI. No Hue, and Cry shall be deemed legal unlessse the pursuit be both by horse and foot.

VII. No person robbed shall maintain an Action in this case unlessse with all convenient speed he make the Robbery knowne to the next towne village, or hamlet, and within twenty dayes before the Action brought make oath before a Just. of P. dwelling within or neere the Hundred, where the Robbery was committed, whether he know the parties that robbed him or any of them, And if he know them, shall enter into sufficient Bond before the same Justice to prosecute the person or persons, so by him knowne, by Indictment or otherwise according to the Law.

4 VIII. Stat. 39 *El.* 25. A remedy for the Inhabitants of the Hundred of Benhurst in the County of Berks for Recovery of such summes of money as shall be gained from them

Hunters, Hunting, 105

them by force of the *Stat.* of 27. *El.* 13.

S. Burglary, 1.

Hunters, Hunting.

I. *Stat.* 1. *E.* 1. 20. Trespassers in Parks, or Ponds shall give treble damages to the party grieved, suffer three yeares imprisonment, be fined at the Kings pleasure, and give surety, never to offend in the like kind again; and if they cannot find surety, they shall abjure the Realme, or being fugitive, shall be outlawed.

II. If they be attainted to have taken tame Beasts, they shall be prosecuted as Felons.

III. *Stat.* 21. *E.* 1. A Forester, Parker, or Warriner shall not be questioned for killing a Trespasser, that after the peace cried unto him, will not yeeld himself, so it be not done out of some other former Malice.

IV. *Stat.* 13. *R.* 2. 13. No lay man, which hath not lands of xl. s. *per Annum*, nor Clerk, which hath not x. l. Revenue *per Annum*, shall have, or keepe any Greyhound, Hound, Dog, Ferret, net, or Engine to destroy Deere, Hares, Conies, or any other Gentlemans game, in pain of one whole yeares imprisonment, which I. of P. have power to inflict.

V. *Stat.* 1. *H.* 7. 7. If any shall hunt with- in Forests, Parks, or Warrens in the night time, or disguised, one of the Kings Counsell, or a Just. of P. to whom information hereof shall be made, shall by his warrant cause the offender to be brought himselfe,

or some other Counsellor, or Just. of P. to be examined, where if he conceale the fact such hunting shall be deemed felony; but being confessed the offence is onely finable at the next generall Sess. And here a rescous of the execution of any such warrant shall also be deemed felony.

5 VI. Stat. 19. H. 7. None shall keep any Deares Haies or Buckstalles (save in his own Forest or Park) in pain to forfeit for every moneth, they are so kept xl. l. neither shall any stalk with any busnor beast to any Deer (except in his own Forest or Park) in pain of x. l.

VII. None shall take an old Heron (without his owne ground) in paine of 6. s. 8. d. nor a yong Heron in pain of x. s. for which forfeitures every man that will, may sue by Action of Debt or otherwise.

VIII. Any two Just. of P. in Sess. may examine the offenders abovesaid, and commit them to Prison, till they shall have satisfied the said forfeitures, whereof the said Justices are to have the tenth part for their paines.

6 IX. Stat. 3. Jac. 13. None shall (without the owners licence) kill or chase any Deer or Conies in any Parkes, or inclosed grounds, in paine to yeeld treble dammagés to the partie grieved, to suffer three moneths imprisonment, and to be bound with good sureties to the good behaviour for seaven years after, or to remain still in Prison, till he find such sureties; But here, the party grieved (being

(being satisfied) hath liberty to release the behaviour.

X. Just. of Oj. and Term. Just. of Ass. and Just. of P. in Sess. have power to heare and determine these offences, and Just. of P. in Sess. (upon Confession, and satisfaction to the party grieved) have power to release the behaviour.

XI. If any person, not having xl. l. *per Annum* in lands, or 200 l. in goods or some inclosed ground used for Deere, or Conies worth xl. s. *per Annum* (at least) shall use any Gun, Bow or Crossebow to kill any Deer, or Conies, or shall keep any Buckstall, Ferret, dog, net, or other Engine, it shall be lawfull for any person (having lands worth 100 l. *per Annum*) to take such Gun, &c. from any such person, and to convert the same to his own use.

XII. This Act shall not extend to any Park, or inclosed ground hereafter to be made, and used for Deere or Conies, without the Kings Licence.

XIII. Stat. 7. Jac. 13. It shall be in the election of the party grieved, whether he will take for satisfaction x. l. in money or treble dammages, as by the Stat. 3. Ja. 13. is limited.

S. Hawkes, 11. 21. 22.

Jesuites, *s. Recusants.*

Images, *s. Bookes.*

Imbracery, *s. Embracery.*

Imbezeling of a Record, *s. Felony, 6.*

Indictments.

I. **Stat. 1. E. 3. 17.** Indictments before Sheriffes, Bayliffes, or others, shall be delivered by Indenture to the Justices, when they come to make deliverance.

II. **Stat. 7. H. 5.** A remedy against such as doe indict or appeale others of Treason or Felony supposed to be committed in a place within the County of Lancaster, where there is no such place, concerning which Just. of P. within that County have power to inquire, and to inflict punishment *viz.* Imprisonment, Fine, and Ransome **S. Stat. 9. H. 5. 1. 18. H. 6. 12. & 33. H. 6. 2.**

III. **Stat. 6. H. 6. 1.** Upon an Indictment of any person in the Kings Bench, a *Capias* shall be awarded against him, returnable (at least six weekes after before any

Exigent

Exigent shall be Awarded.

IV. Stat. 8.H.6.10. & 10.H. 6.6. Vpon Indictments or appeales (before Just. of P. or others) of persons dwelling in forraigne Counties, the *Exigent* shall be staied, till the returne of a *Capias*, directed to the Sheriffe of such forraigne County for the arresting of the party indicted.

4

V. Stat. 1.E.4.2. Sheriffes shall deliver all Indictments, and presentments taken in their Turnes unto the Justices of the P. at their next Sess. in pain of 40. l. who shall arraign, deliver, make process, and proceed thereupon, as if they were taken before them, and shall deliver indented estreats of the Fines to the sheriffe to be levied to his own use; And here, if the sheriffe levy any fine, or comit any to prisō by colour of any such indictment, or presentment; otherwise then by warrant from the Justices as aforesaid, he shall forfeit C. l. Howbeit Sheriffes of London shall not be restrained by this Act, nor those who have had fines formerly granted unto them.

5

VI. Stat. 37.H.8.8. The words *cum baculis, cultellis, arcibus, & sagittis*, shall not of necessity be put in an indictment; but it shall bee adjudged good without those words or the like.

6

See Certificate, *Certiorari*, 1. Murder, 4. 5.

Informations and Informers,
S. Actions popular.

In-

Ingrossers, & Foretallers.

Inholders.

I. Stat. 21 Jac. 21. The Statute of 32 H.
8. 41. together with other Statutes concerning
horsebread is repealed.

II. Inholders and Hostlers shall make no
horsebread, shall sell their hay, provender
and victuals at reasonable prices, and shall
take nothing for litter.

III. This Act shall not restraîne those, that
dwell in a thorough fare (which is no marker
town, and wherein there is no Baker) to make
horsebread, according to the just Assise.

IV. Just. of Oy. and Term. l. of P. sheriffes in
turnes & stewards in Leers have power to hear
and determine these offences.

V. If any Inholder or Hostler, which hath
power (by this Act) to make horsebread, ob-
serve not the Assise, or if he or any other offend
this Law in any other kind whatsoever, for the
first offence they shall be fined, for the second
suffer a moneths imprisonment without bail,
for the third be set upon the Pillory, and for
the fourth shall be forejudged from ever keep-
ing an Inne again.

See Alehouses, 5, 15, 26, 28. Butter, 1.
Foretallers, 5.

Inmates, S. Cottages.

Inquests, S. Jurors.

Inrolments.

Stat. 27. H. 18.8. Bargaines, and sales to raise an use of Inheritance, or Freehold, must be by Deed indented and inrolled within six moneths in some Court of Record at Westminster, or in the County where the Land lieth, before the *Custos Rotulorum*, two Just. of P. and the Clerk of the Pease, or two of them, whereof the Clerk to be one; and here, the Fee to be paid for such Inrolment, when the land is not worth xl. s. *per Annum*, is 2.s. and when it is worth more, x.s. to be equally divided betwixt the Justice, or Justices then present, and the Clerk of the P. who ought to intoll them in Parchment, and deliver them up to the *Custos Rotulorum* within one yeare after.

See **Stat. 5. El. 26.** Concerning the inrolment of Deeds in the Counties of Lancaster, Chester, and the Bishoprick of Durham, and in Corporate townes there.

Inventories, S. Ecclesiasticall

Court

I. Stat.

- 1 I. Stat. 5. E. 3. 10. Justices have power to imprison a Juror sworn before them, that shall be attainted to be Ambidexter; and besides he shall be ransomed at the Kings will.
- 2 II. Stat. 25. E. 3. 3. An indictor shall not be put on Enquests upon delivering of Enditees.
- 3 III. Stat. 34. E. 3. 8. A corrupt Juror shall be fined, and suffer one yeares Imprisonment; And here, the prosecutor shall have halfe the Fine, and the party grieved his damages.
- 4 IV. Stat. 38. E. 3. 12. If a Juror be attainted to have taken any thing by way of corruption, he shall suffer one whole yeares imprisonment and forfeit ten times so much as he hath so taken, to be divided betwixt the King and the prosecutor, and all Embracers in that kind shall incur the like punishment: Howbeit these offences shall not be prosecuted by Justices *ex officio*, but at the suit of the party grieved, or some other.
- 5 V. Stat. 11. H. 4. 9. Jurors in indictments shall be returned by the Sheriffes, or Bayliffes, and not nominated by any other.
- 6 VI. Stat. 2. H. 5. 3. Jurors ought to have lands worth xl.s. *per annum ultra reprise*; And in the County Palatine of Lancaster, there lands ought to be worth 5.l. *per annum*. Stat. 7. H. 5. 1. 18. H. 6. 12. 33. H. 6. 2.
- 7 VII. Stat. 3. H. 8. 12. Panells of Jurors returned by the Sheriffe to inquire for the King shall be reformed by the Just. in Scil. (1 Qu.) at their discretions, and the Sheriffe shall

Jurors.

113

shall retorne that Panell reformed, in pain of xx. l. to be divided betwixt the King and the prosecutor, who shall not lose his part by the Kings pardon.

VIII. Stat. 27. E. 7. No Sheriffe, or Bayliffe shal return Jurors without addition of their dwelling place, nor collect any issues made out against them, without such addition.

IX. No Clerke shall estreat any issues against any Juror without such addition, in pain to forfeit 5. markes to the King, and as much to the party grieved.

See *Actions Popular*, 8. *Justices of P.* 25. 28.

Justices of Peace.

I. Stat. 27. E. 1. 3. Justices assigned to take Assises in every County after the Assises taken, shall deliver the Gaoles, but if one of them be a Clerk, the other that is lay associating unto him one of the most discreet Knights of the County, shall deliver the Gaoles.

II. Stat. 1. E. 3. 16. The King will that in every County good men and lawfull, which be no maintainers of evill, or Barrctors in the Country, shall be assigned to keep the Peace.

III. Stat. 2. E. 3. 2. Clergy men shall not be Justices of Oyer and Term. or Justices of G. D.

IV. Stat. 4. E. 3. 2. Good and discreet persons shall be assigned in all Shires of England to take Assises, Juries, and Certifications; and to deliver the Gaoles three times in the yeare at least.

V. There

V. There shall also be assigned good and lawfull men in every County to keep the peace, and such as shall be indicted or taken by them and are notailable by Law, shall not be let to mainprise by the Sheriffe or any other Minister, nor otherwise delivered then at the common law.

VI. the Just. of G. D. shall have power to deliver the Gaoles of those that stand indicted before the Keepers of the Peace, which Keepers shall send those indictments before the said Just. of G. D. and shall have power to punish Sheriffes, Gaolers, and others, which do any thing contrary to this Act.

6 VII. Stat. 18. E. 3. 2. Two or three of the best of Reputation in the Counties shall be assigned keepers of the Peace by the Kings Commission, who (together with other wise, and learned in the Law) shall have power to heare and determine Felonies, and Trespases done in the same Counties, and to inflict punishment, according to Law and reason.

7 VIII. Stat. 24. E. 3. 1. There shall be assigned in every County for the keeping of the Peace, one Lord, and three or four of the most worthy of the County with some learned in the Law, who shall have power to arrest and Chastise, rioters, Barretors, and other offenders according to the law, and their owne discretions, to bind people of evill fame to the good behaviour, and to heare and determine felonies and trespases done in the same County.

IX. All generall inquiries heretofore granted

ted within any seigniories, for the mischiefs done there, shall from henceforth cease and be repealed.

X. The fines imposed by I. of P. for trespasses shall be reasonable and just.

XI. Stat. 42. E. 3. 4. All commissions of inquirie (except of Escheatorship) shall be directed to the Justices of the one Bench or other, to the Just. of Ass. or to the most worthy in the Country, and to none other. 8

XII. Stat. 12. R. 2. 10. In every Commission there shall be but six Justices assigned, who shall keep their Sess. every quarter at least, in pain to be punished at the discretion of the Kings Councell. 9

XIII. Every Justice of P. shall have for his wages 4. s. a day, and the Clerke of the P. 2. s. for so long time as the Sessions shall last, to be paid by the Sheriffe out of the Amerciaments arising at the same Sessions.

XIV. No steward of any Lord shall be assigned in any Commission, neither shall any association be made to the Justices of Peace after the first Commission.

XV. Judges and Serjeants at Law shall not be bound to attend the Sessions, but when they may conveniently intend it.

XVI. Stat. 13. R. 2. 7. Notwithstanding 10
the Stat. of 12. R. 2. 10. which prohibits the stewards of Lords to be Justices, the most sufficient Knights, Esquires, and Gentlemen of the Law shall be put in Commission, and sworne to put in execution without favour all statutes which concern their office.

XVII. Stat.

I I XVII. Stat. 14. R. 2. 11. There shall be 8. Justices of Peace assigned in every County.

XVIII. Double estreats of Amerciaments, at the Sessions shall be made containing the names of all the Justices there present, and the number of dayes they sit, and one of them delivered to the Sheriffe, out of which he is to answer the Justices their wages by indenture, according to which the Sheriffe shall be again allowed the wages in the Exchequer upon his accompt; But no Duke, Earle, Baron, or Baronet (although he be Justice of Peace, and hold Sess. with the other eight) shall have any wages allowed him.

I 2 XIX. Stat. 17. R. 2. 10. In every Commission of Peace two men of Law of the same County shall be assigned to goe and proceed to the deliverance of Theeves, and Felons.

I 3 XX. Stat. 2. H. 5. 4 Justices of the Peace in every Shire named of the *Quorum* shall be resident within the same Shire (except Lords, Judges, Serjeants at law, & the Kings Attorney) and shall keep their Sessions four times in the year, viz. in the first week after Michaelmas, Epiphany, Easter and the translation of Saint Thomas, being the third of July, and more often if need require.

I 4 XXI. Stat. 11 H. 6. 6. No suit before Justices of P. shall be discontinued by a new Commission of Peace.

I 5 XXII. Stat. 14. H. 6. 4. Just. of Peace in Middlesex are not compellable to keep their Sess.

above

Justices of Peace. 117

above twice in the yeare, notwithstanding the
stat. of 12. R. 2. 10. Yet may they keep them
ostner, if need be, at their discretions.

XXIII. Stat. 13. H. 6. 11. None (except 16
men learned in the Law or inhabiting Corpora-
tions) shall be Justices of Peace, unless their
lands be worth xx. l. per Annum.

XXIV. If any be put into the Commission
not having lands of that value, and doe not
within one moneth after his notice thereof
acquaint the Lord Chancellor therewith, or
doe make warrant by force of such Commis-
sion, he shall forfeit to the King xx. l. to be di-
vided betwixt the King, and the prosecutor.

XXV. Stat. 3. H. 7. 1. Justices of P. have 17
power to impannell an Enquest to inquire of
the concealments of a former Enquest, and to
Assesse in open Sessions the Amerciaments
of the first Enquest at their discretions.

XXVI. Just. of P. shall at the next gene-
rall Sess. certifie recognisances taken for
keeping of the Peace, where, if the party being
called do not appear, those Recognisances shall
be certified into the Chancery, Kings Bench,
or Exchequer.

XXVII. Stat. 33. H. 8. 10. & 37. H. 7. All 18
Just. of P. shall at their generall Sess. endeavour
amongst themselves to understand the mea-
ning and intents of all statutes, which concern
vagabonds, Retayners, giving Liveries, Signes,
Tokens, or Badges, maintenance, embracery,
Bowstaves, and Archery, unlawfull games,
Forestallers and Regrators, victuall, victual-
lers, and inholders, and of all other statutes
made

118 Justices of Peace.

made in this present Parliament, and shall then also advise amongst themselves, how the same may be best put in due Execution.

XXVIII. All proceſſe, and proceedings shall be continued from Seſſ. to Seſſ. And the ſaid Juſtices ſhall in Seſſ. have power to enquire, hear, and determine the breach of the ſaid ſtatutes as well by verdict as by any other information, or Confession of the party, and to make proceſſe by *Venue facias*, *Capias* & *Exigent*, under the Seal of the ſame Juſtices, or two of them, and alſo to reform panels of Jurors, according to which the Sheriffe ſhall make his Return, upon the paine limited by the Stat. of 3. H. 8. 12.

19 XXIX. Stat. 1. E. 6. 7. Preferment of a Juſtice or Commiſſioner to a higher dignity as to be a Duke, Archbiſhop, Marquess, Earle, Vicount, Baron, Biſhop, Knight, Judge, Serjeant at Law, or Sheriff, ſhall not diminish his power, 31.

XXX. No Suit before any Juſtices or Commiſſioners ſhall be diſcontinued by a new Commiſſion, or by the alteration of any of their names.

20 XXXI. Stat. 1. M. 8. None ſhall be Juſtice of Peace during his Shrevalty, notwithstanding the ſtatute of 1. E. 6. 7.

21 XXXII. Stat. 2. 3. P. M. 18. A new Commiſſion of the Peace, or G. D. for the whole Countie, ſhall not be a *Superſedeas* to a former like Commiſſion granted to a City, or towne Corporate there, being

no Countie.

xxxlii. Stat. 1. E. 1. & 7. Jac. 6. Every Justice of Peace ought to take the oaths of Supremacy and obedience, which see in *Recusants*, 8. 88. 22

Kidder, S. Badger.

Kings Bench, S. Poore People, 15.

Labourers, Artificers, Servants, Apprentices.

I. Stat. 21. H. 8. 7. Servants that go away with or otherwise imbezill their Masters, or Mistresses goods to the value of xl.s. worth, with an intent to steale them (being put in trust therewith) shall be punished as Felons. 1

II. This Act shall not extend to Apprentices nor servants under the age of eightene years.

III. Stat. 2. 3. E. 6. 15. Artificers, workmen, or Labourers, that conspire together concerning their work, or wages, shall forfeit for the first offence, x.l. to the King, and if they pay it not within fix dayes after conviction, they shall suffer 20. dayes imprisonment, and during that time shall have no sustenance but bread 2

bread and water; for the second offence hee shall forfeit 20. l. and that not paid within six dayes as aforesaid, shall suffer the Pillory, and for the third offence shall forfeit xl. l. and that not paid within time limited shall again suffer the Pillory, lose one of their eares, and be ever after taken as men infamous, and not to be credited.

IV. Just. of Ass. Just. of P. Maiors, Bayliffes, & Stewards in Seff Leets & Courts have power to hear and determine these offences.

3 V. Stat. 5. El. 4. None shall hire, or be hired for lesse time then one whole yeare in the Arts of Clothier, Wollen Weaver, Tucker, Fuller, Clothworker, Sherman, Dyer, Hosier, Taylor, Shoemaker, Tanner, Pewterer, Baker, Brewer, Glover, Cutler, Smith, Farrier, Currier, Sadler, Spurrier, Turner, Capper, Hat or Feltmaker, Fletcher, Arrowhead-maker, Butcher, Cook, or Miller.

VI. Every person unmarried, or under the age of 30. years (though married) having been brought up in any of the Arts abovesaid by the space of three yeares, and not worth in lands xl. s. per Annum, or in goods x. l. (and so allowed under the hands and seales of two Just. of P. the Head officer or two discret Burghesses of the place, where the party so brought up hath lived by the space of one whole yeare) nor already retayned in husbandry, the Arts abovesaid, or any other Art or Mystery, or in any service (upon request of any person using the same Art) shall not refuse to serve for the wages limited by this statute, and being

so retained shall not depart from his or their service without one quarters warning before two lawfull witnesses, or some lawfull cause to be proved before one Justice of P. or Head officer, in paine of imprisonment without baile; but upon submission to performe the service, they shall be enlarged without Fees, which Commitment and enlargement two Just. of P. the Head officer or two Burgeslies as aforesaid, unto whom complaint shall be made, have power to command, as in their discretions, and upon due prooffe shall be thought fit.

VII. Every person between the ages of 12. and 60. not already retained in any service, nor imployed about husbandry, Mines, Glaske, Coale, Fishing, Sayling, provision of grain or Meale for London, nor Gentleman, born, nor Scholar, in an University, or School, nor worth xl.s. *per Annum* in lands, or x. l. in goods, nor having a Father, Mother, or other ancestor (whose heire he is) worth x. l. *per Annum*, in lands, or xl. l. in goods, shall be compelled to serve in husbandry, & shall not depart that service, otherwise then as is before limited, upon the paine above expressed.

VIII. None shall put away his servant before the end of his term without a quarters warning, or some lawfull cause to be proved by two sufficient Witnesses before the Just. of O. y. and Term. Just. of Ass. Just. of P. in Sess. a Head Officer, or two discreet Aldermen, or Burgeslies, in paine of xl. s.

G

IX. No

IX. No servant having served in one City or towne shall goe to serve in another, without a Testimoniall, viz. (in a towne corporate, under the scales of the town, & two householders there, and (in the Country) under the scales of the Constable, or Constables and two householders there; which testimoniall shall be made and delivered to the party, and also registred by the Minister of the place, where the servant last dwelt, for which the Minister is to have 2. d.

X. The forme of the Testimoniall is this.
*Memorandum, that A. B. Servant to C. D. of E. in the County of F. Husbandman or Tay-
 lor, &c. in the said County is licenced to depart
 from his said Master, and is at his liberty to
 serve elsewhere according to the Statute in
 that case made and provided: In witness,*
&c.

XI. The servant which sheweth not such a Testimoniall to the chief officer in a Corporation, or to the Minister, or some officer in any other place, where he is to dwell, shall suffer imprisonment till he procure one; and if he produce not one within xxi. dayes after his imprisonment, or shew a false one, he shall be punished by whipping as a vagabond; And the Master that retaines a servant without such a testimoniall, shall forfeit five pounds.

XII. Those that work by the day or week shall continue at work, betwixt the middle of March, and the middle of September, from 5. in the morning till betwixt 7. and 8.

at night, except two houres allowed for breakfast, dinner, and drinking, and halfe an houre for sleeping from the middest of May, til the middest of August, & all the rest of the yeare from twylight to twylight, except an houre and a halfe allowed for Breakfast, and Dinner, in paine to have one penny defalked out of their Wages for every houres absence.

XIII. None that takes work by Great shall leave the same before it be quite finished, except for not payment of his Wages, the Queenes service, licence of the Workmaster, or other lawfull cause, in paine to suffer one moneths imprisonment without Baile, and to forfeit five pounds to the party grieved, besides his Costs, and dammages to be recovered at the common Law for the losse sustained.

XIV. None retained in service to work, shall depart without Licence, in paine of one moneths imprisonment.

XV. Such Wages of Labourers, Artificers, and others as have been formerly rated, or concerne husbandry, shall be yearly assessed for the County by the Sheriffe and I. of P. in Scilicet. and in Corporations by the Head Officer at their Easter Sessions, or within six weeks after and before the 12. of July following shall be certified under their hands and seales into the Chancery: whereupon the Lord Chancellor or Keeper shall send downe printed proclamations thereof into every County, and Corporation before the

first of September then next following, with the said Sheriffe, Justices and Head officers shall before Michaelmas after cause to be inrolled, and proclaimed; But here, when the old Rates shall be certified to stand, no proclamation is needfull, 56. 58.

XVI. A I. of P. or chief officer, which shall be absent at the taxing of Wages (being not lettred by sicknesse, or some other reasonable cause to be allowed by the Justices upon Affidavit) shall forfeit x. l.

XVII. None shall give greater wages, then those so rated (as aforesaid) in paine of 5. l. and ten dayes imprisonment, without Baile, and if any person shall be convicted (before two I. of P. or a Head officer) of taking more wages, he shall suffer 21 dayes imprisonment without Baile.

XVIII. Every retainer, promise, gift, or payment of wages, or other thing contrary to the true meaning of this Act; and every writing and Bond to be made for that purpose shall be void.

XIX. If any servant, or other shall be convicted before two Just. of P. or a Chiefe officer, as aforesaid, by his own Confession, or the testimony of two honest men to have assaulted his Master, Mistris, Dame or Overseer, he shall suffer one whole yeares imprisonment, or lesse, if the Justice, or chief officer shall think fit: And if the party shall be thought to deserve a more severe punishment, then to receive such open punishment (life and member excepted) as the Just. in
Scilicet,

Self. or the chief officer, and 4 of the discreetest men in the Corporation shall think convenient.

XX. Artificers shall work in Hay time, and Harvest, in paine of Imprisonment in the stocks two dayes, & one night, which the Constable shall inflict upon them in pain of xl. s.

XXI. It shall be lawfull for Labourers (other then such as are retained in Service according to this statute) to go to other shires to work in Hay time and Harvest, so that they bring with them a testimoniall under the hand and seale of one Just. of P. or a chiefe officer, testifying that they have not sufficient work in the place, where they lived the winter before, for which testimoniall they shall only pay 1.d.

XXII. Every unmarried woman (fit to serve) being above 12 years old and under xl. shal by two I. of P. a Chief Officer or two Burgessees be compellable to serve for convenient time and wages, in pain of Imprisonment.

XXIII. Husbandmen being householders & using halfe a plough land (at least) in tillage, may take (by Indenture) Apprentices above the age of ten years and under 18. to serve in husbandry, untill the age of xx1. yeares (at least) or 24. yeares as the parties can agree.

XXIV. Every householder of the age of 23. yeares dwelling in a towne Corporate, and using there any art or mystery shall and may take an Apprentice for seaven yeares at least: Howbeit the terme ought not to expire before the Apprentice accomplish

the age of 24. yeares.

XXV. Merchants, Mercers, Drapers, Goldsmiths, Iremongers, Embroyderers, and Clothiers dwelling in Corporate townes shall take no Apprentices, but their owne Children, or such, whose Parents have Inheritance, or Freehold of xl.s. *per Annum* to be certified under the hands and Seales of three Just. of P. of the County, where such lands lye, to the Head officer of the said Corporation, who shall cause the same to be recorded.

XXVI. Artificers in market townes not Corporate being householders, and of the age of 24. yeares, may take other Artificers Children to serve as Apprentices.

XXVII. Merchants, Mercers, Drapers, Goldsmiths, Iremongers, Embroyderers, and Clothiers dwelling in Market townes not corporate, shall take no Apprentices but their owne Children, or such whose Parents have inheritance or Freehold worth 3. l. *per Annum*, to be certified under the hands and Seales of three Just. of P. as aforesaid.

XXVIII. Smiths, Whelewrights, Ploughwrights, Millwrights, Carpenters, rough Masons, Plasterers, Sawyers, Lime-burners, Brickmakers, Bricklayers, Tylers, Slaters, Helyers, Tilemakers, Linnen Weavers, Turners, Coopers, Millers, Earthen Potters, Woollen Weavers, (of Huswives Cloth only) Fullers, Woodburners, Thatchers, and stringers may take Apprentices though their Parents have no Land.

XXIX. None

XXIX. None which hath not served seaven yeares in any Art or Mystery shall use the same, or set any other to work therein, which have not served out that time, in paine to forfeit xl. s. for every moneth. See *Actiōne popular.* 17.

XXX. Woollen Clothweavers (other then such as inhabite Cumberland, Westmerland, Lancaster, or Wales, or in Cities, Corporations or Market townes) shall take no Apprentices, nor teach any their art, save their own Children, or such, whose parents have Inheritance, or Freehold worth 3. l. *per Annum*, to be certified under the hands and scales of 3. I. of P. of the County where the lands lye, in paine to forfeit xx. s. for every moneth; And the Indenture shall within 3. moneths be registred in the parish, where the Master dwels, the Fee of which registering is 4. d.

XXXI. Every Clothworker, Fuller, Sherman, Weaver, Taylor, and Shoemaker shall for every three Apprentices keep one Journeyman, and for every Apprentice above three another Journeyman, in paine of ten pounds.

XXXII. This Act shall not prejudice worsted makers, nor worsted weavers, in Norwich or Norfolk.

XXXIII. If any person fit to make an Apprentice refuse to serve upon demaund, one I. of P. Maior or Head officer unto whom complaint thereof shall be made, have power o commit him to ward, untill he shall be

willing to serve accordingly.

XXXIV. If there shall arise any difference betwixt the Master, & the Apprentice, one I. of P. in the Country, or the Maior or Head officer in a Corporation, or Market town, shall have power to reconcile it, if they can; if not, then to bind over the Master to the next Qu. Sess. where the I. of P. or any four of them (1. Qu.) or the Head officer with the consent of three of his brethren shall (upon default found in the Master) in writing under their hands and seales have power to discharge the Apprentice of his Service, and if default shall be found in the Apprentice, then to inflict such punishment upon him as in their discretions shall be thought fit.

XXXV. None shall be bound to enter into an Apprentyship, other then such as be under the age of 21. years.

XXXVI. Justices of P. in their severall Divisions, and Head officers in townes corporate shall meet twice every year, viz. once betwixt Michaelmas and Christmas, and another time betwixt the Lady day and Midsummer to give order for the due execution of this statute.

XXXVII. Justices of P. and Head officers shall have 5. s. for every day they sit about the execution of this Statute, to be allowed them out of the Fines, which accrew upon the Breach thereof, so that their sitting be only for matters contained in this Statute, and not above 3. dayes at one time.

XXXVIII. The forfeitures abovesaid (except

cept those otherwise limited) shall be divided betwixt the Queene, and the prosecutor; And all Just. of P. or any two of them (1. Qu.) and every Head officer shall have power to hear and determine the breach of this Statute upon Indictment or otherwise, and to award proces and execution accordingly, And shall yearly in Michaelmas terme by Estreat certifie into the Exchequer the fines, which accrue upon this Statute in like manner as they ought to doe in other Cases.

XXXIX. This act shall not restraine the Cities of London and Norwich, from taking of Apprentices, as in times past.

XL. None shall take Apprentices otherwise then is limited by this Act, in paine of ten pounds, and all indentures otherwise made shall be void.

XLI. An Apprentice shall be bound by his Indenture notwithstanding his non-age of 21. years.

XLII. The Inhabitants of Godalming in Surrey may take and use such Arts and Apprentices as market townes may doe by vertue of this Act.

XLIII. The Fines accrewing by this Act in townes corporate shall be appointed by the Head officer to be collected (as other fines and Amerciaments) for the use of the same townes.

XLIV. When an Apprentice departs from his Masters service into another County, or Corporation, it shall be lawfull for the Just. of P. or Head officers there (being Justices

of P.) to direct a *Capias* to the Sheriffe, or other chiefe officer for his apprehension, and being taken the said Just. of P. or Head officer shall commit him to ward untill he give good Security, that he will honestly serve out his time.

XLV. Notwithstanding this Act high Constables have power to keep their Statute Sessions, so that they there doe nothing repugnant therunto.

4 XLVI. Stat. 5. El. 5. Every householder using the trade of the Seas, Fisher, Gunner, or Shipwright may take Apprentices according to the custome of the City of London, so that the Apprentice be seaven yeares old, & the Indenture inrolled in a corporate towne, for which Inrolment the officer shal not take above 12.d.

5 XLVII. Stat. 8. El. 11. None shall make any Hat or Felt with forraigne stuffe, unlesse he hath served Apprentice to that Art seaven yeares at least, in pain of forfeiting the Hats or Felts so made, and 5.l. for every moneths continuance in so doing.

XLVIII. No Hatmaker shall have above two Apprentices at one time, nor them for lesse time then seaven yeares a peece, in pain to suffer one moneths imprisonment for every one he keepes more, and to be for ever after disabled to keep any more then one.

XLIX. This Act shal not restraine Hatmakers to imploy their Children.

6 L. Stat. 3. Jac. 17. None shall make any Hat

Hat or Felt of any Stuffle whatsoever, which hath not served an Apprentice seaven yeares in that Art, in pain of 5. l. for every month; neither shall he have above two Apprentices at one time, or imploy any Journeyman in that Art, which hath not served the like time upon the like pain.

LI. This Act shall not restraine Hatmakers to imploy their Children, so that they be bound for seaven yeares, and their terme doe not expire untill they shall have accomplished the age of 21. yeares.

LII. The forfeitures of this Statute, as also those of the 8. El. 11. shall be divided betwixt the King, and the prosecutor.

LIII. Stat. 3. Jac. 9. None shall imploy any Journeyman or Apprentice in the Art of Skinner, unless he use the same Art himselfe and hath served seaven yeares therein as an Apprentice, in pain of forfeiting double the value of the Skins dressed to be divided betwixt the King and the prosecutor or Seisour.

LIV. Stat. 1. Jac. 6. The statute of 5. El. 4. Shall give power to the Justices of P. to rate the Wages of any Labourers, Weavers, Spinsters, and workmen or workwomen whatsoever.

LV. The rating of such wages in Sess. by the more part of the Justices within any particular Ryding or Division (where generall Sess. have been used severally to be kept) shall be as effectuell as those rated at the generall Sess. of the whole County.

LVI. Thee

LVI. The Sheriffe and Head officers within their severall precincts shall cause the said rates to be proclaimed in such sort, as if they had been sent downe printed from the Lord Keeper, which all persons shall be bound to observe upon the paines and penalties mentioned in the said Statute of 5. El. 4.

LVII. A Clothier convicted before the Justices of Ass. or P. in Sess. or before two Just. of P. (1. Qu.) by his own confession or the evidence of two Witnesses not to have observed the said Rates, shall forfeit x.s. to the party grieved, to be levied upon warrant from the same Just. by distresse and sale of goods.

LVIII. None shall incurre any danger for not making Certificate of the Rates into the Chancery according to 5. El. 4.

LIX. A Clothier being also a Just. of P. shall not be a Rater of Wages for any Artificer, that depends upon making of Cloth.

S. Masons, Poore people, 6. 20. &c.

Lader, S. Badger.

Larceny, S. Bailement, 2.
Trespasse.

Latten, S. Brasse.

Lca.

Leather, Tanner, Currier, and Shoemaker.

I. *Stat. 1. 6. E. 6. 15.* None shall buy or ingrolle Leather, to the intent to sell the same againe, in pain to forfeit the same Leather, or the value thereof to be divided betwixt the King and the prosecutor, or Seisor.

II. This Statute shall not restrain Girdlers and other Artificers to sell their necks, Wombes, and Shreds, nor the buying of so much Leather, as the party which buyes it hath licence to transport.

III. None shall transport any Shooes, Boores, Buskins, Stertups, or slippers, in pain to forfeit the same, or the value thereof, to be divided betwixt the King and the prosecutor or seisor.

IV. No Girdler or other cutter of Leather in London shall curry it in his owne house, in paine to forfeit the same Leather, to be divided betwixt the King and the prosecutor.

V. *Stat. 1. M. Parl. 2. 8.* No Artificer using the Mystery of Leather buying shall buy any Leather and sell the same againe to be transported, in pain to forfeit the same to be divided betwixt the King and the prosecutor.

VI. Curriers of London shall use their own stuffe, in pain to forfeit the Leathers other—

otherwise curried, to be divided as aforesaid.

VII. No Currier shall curry any hides betwixt Saint Jamestide, and the Lady day, but onely such as have been sufficiently dipped twice in the Pan, in paine to forfeit the same to be divided as aforesaid.

VIII. A Currier shall dresse his Leather within the space of 5. dayes in Summer, and of x. dayes in Winter, in pain to forfeit to the party grieved for every hide otherwise dressed 10.s.

3 IX. Stat. 5. El. 12. None shall make Pelts, or buy any skins of Stag, Hind, Buck, Doe, Goat, Fawne, or Kid, except to make tawed or tanned Leather, or parchment, or otherwise to convert them to his owne use, in pain to forfeit the value thereof, and besides 2.s. 6.d. for every Pelt, or skin so made or bought.

4 X. Stat. 18. El. 9. The penalty of transporting Leather.

5 XI. Stat. 1. Jac. 22. None shall gash any hide in paine of xx. d. nor water them except in June, July, and August, nor put them to Sale being putrified, in pain to forfeit for every hide so watred or put to sale 3.s. 4.d.

XII. None shall kill any Calves under 5. weeks old in pain to forfeit for every Calfe so killed 6.s. 8.d.

XIII. No Butcher shall exercise the Mytery of a Tanner, in pain of 6.s. 8.d. for every day he so continues both professions.

XIV. None

XIV. None shall be a Tanner, but such as have served seaven years as Apprentices, or hired servants in that trade, or the widow or children of a Tanner having a tan sat left them, and having been brought up in that profession by the space of 4. yeares, in paine to forfeit all the Leather they tan, or the full value thereof.

XV. None that useth the cutting, or working of Leather shall be a Tanner, in paine to forfeit all the Leather he tans, or the value thereof.

XVI. None shall buy any rough Hides, or Calveskins in the haire, but only such as doe and may lawfully tan them (except salt Hides for the necessary use of Ships) in paine to forfeit them, or their just value, neither shall any forestall hides, but buy them in open Faire, or Market (except of such as kill beasts for their own provision) in paine to forfeit for every hide otherwise bought, 6. s. 3. d.

XVII. None shall buy any tanned Leather unwrought but only such as will and shall convert the same into made wares.

XVIII. This Act shall not restraine Artificers from buying tanned Leather every Munday at Leaden Hall to be converted into made wares being first duly searched, sealed, and registred, as hereafter is limited, nor Sadlers, and Girdlers from selling their Necks and Shreds of tanned red Leather.

XIX. The Tanner that overlimes his Hides, or useth in his tanning any thing save Ash-bark

bark, Oakbark, Tapwort, Mault, Meal, Lyme, Culverdung, or Hending, or suffers them to be frozen, or to be parched with the fire, or sun, or tannes hides which are rotten by long lying or otherwise, or continues not utter sole Leather 12 moneths in the Woozes, and upper Leathers 9. moneths, or doth negligently work his hides in the Woozes, not renewing, and strengthning them, as often as need shall require, or doth work them in any other sort, then is by this statute limited, shall forfeit every Hide so tanned and put to Sale, or the full value of the same.

XX. No Tanner shall by mixtures raise any Hide for sole Leather, which shall not be fit for that use, in pain of forfeiting the same.

XXI. None shall put to sale any tanned Leather red, and unwrought, but in open Fair, or Market, unlesse the same hath been searched and sealed in some Faire or Market before; neither shall any offer to sell any such Leather before it be searched and sealed, in paine to forfeit for every hide, otherwise put to sale 6.s.8.d. and for every dozen of Calveskins, or Sheepskins, 3.s. 4. d. besides the hides and skins themselves, or the full value thereof.

XXII. None shall put to sale any Leather insufficiently tanned, or dried, in paine to forfeit the whole, or at least so much as shall be so misused.

XXIII. No Tanner shall hasten the tanning of his Leather by giving it unkind heates with hot woozes, or otherwise, in paine

paine of x.l. and and to stand upon the Pillory three dayes, in the next market.

XXIV. None shall buy or ingrosse Barke to the intent to sel the same again in pain to forfeit it, or the value thereof; neither shall any fel Oak trees apt for barking, where Bark is worth 2.s. the Cart load (timber for the present and necessary repair of houses, Ships and Mills excepted) but only between the first of Aprill and the last of June, in pain to forfeit the trees, otherwise felled, or the double value of the same.

XXV. Purveyers of trees for the Kings use shall fell them only in barking time (except for the present repaire of the Kings houses or Ships) and shall take no more thereof from the owner, then what may serve the Kings present occasion, in paine to forfeit to the party grieved for every tree otherwise felled or the Lops and tops thereof taken away xl.s.

XXVI. A Currier shall not curry a Hide or Skin, which is not sufficiently tanned and dried, and that in his owne house scituate in some Corporate, or Market towne, and not else where, neither shall he gash, or any other way spoile, or impaire them, but work them sufficiently in all points, in pain to forfeit for every skin, or hide, so spoiled (otherwise then by gashing) 6. s. 8. d. besides the value of the same skin, or hide; And for gashing them, to forfeit to the party grieved twice so much, as he impaires them by gashing.

XXVII. No

XXVII. No Artificer within London, or within three miles distance from it, shall put any Leather to be curried save only to some person free of the Company of Curriers in London, in pain to forfeit the same, or the value thereof.

XXVIII. None within the aforesaid Jurisdiction of London shall use or put into made wares any curried Leather, before the same be searched, and sealed, in pain to forfeit for every Hide or Skin 6. shillings eight pence, and also the value of every such Hide, or Skinne.

XXIX. A Currier shall not use the Art of a Tanner, Cordwainer, Shoemaker, Butcher, or of any other Artificer, which useth the cutting of Leather, in paine to forfeit for every hide, or skin he currieth during that time, 6. s. 8. d.

XXX. No currier (sufficient stuffe being tendred unto him) shall refuse sufficiently to currie Leather within eight dayes in summer and 16. dayes in Winter, after he shall or may take it in hand, in pain to forfeit for every Hide, or piece of Leather not curried accordingly, x. s.

XXXI. The Wardens of the Company of Curriers, or officers by them appointed, shall within one day after request made unto the them search and seale Leather curried, for which the Currier shall pay after the rate of a 1. d. for every Dicker of hides, and of as much for every six dozen of Calfe skins; And the Currier shall forfeit for every hide,
not

not searched and sealed as aforesaid 6. s. eight pence.

XXXII. Shoemakers shall make their bootes, &c. of good and sufficient stuffe, sell them well, and not put them to sale upon Sundayes, in pain to forfeit for every such default, or offence 3. s. 4. d. and also the full value of all other wares otherwise made or sold.

XXXIII. The Masters and Wardens of the Companies of Shoemakers, Curriers, Girdlers, and Sadlers, within the jurisdiction of London aforesaid, or the more part of them, shall once every quarter (or oftner if need require) make search and view of all wares made of tanned Leather, in pain to forfeit 40. l. for every yeares default to be divided betwixt the King and the prosecutor, and shall also have power to seise all insufficient Wares found upon search.

XXXIV. The said Masters and Wardens shall only search the wares of such as use their own professions, and Coachmakers shall be under the survey and search of the Company of Sadlers.

XXXV. The Maior, and Aldermen of London shall (within the said jurisdiction, and upon the like paine of xl. l. to be imploied as aforesaid) choose, and sweare 8. expert men out of some of the 4. Companies aforesaid, to be searchers, and Sealers of all tanned Leather there, whereof one shall be assigned to keep the Seale.

XXXVI. Head Officers and Lords of Liberties

berties shall yearly in all other parts of the Kingdome (upon the like pain of xl. l. to be employed as aforesaid, appoint and sweare two, three, or more, honest and skilfull men to be searchers and sealers of Leather, who shall have power to seale sufficient wares, and likewise to seize, and retaine, such as be insufficient, untill they shall be tried by Triers to be hereafter appointed by this Act.

XXXVII. There shall be appointed six triers of insufficient Leather, and Leather wares, which shall be seized within the said jurisdiction of London; And when any insufficient Leather, or wares made of Leather are seized within any other jurisdiction, the chief officer, or the Lord of the Liberty, or his Deputy, shall cause tryall thereof to be made by the oath of six honest men upon some Market day, and within 15. dayes after such seisure made.

XXXVIII. The Lord Maior of London and the Head officer, and Lord or Deputy aforesaid shall appoint Triers in their severall jurisdictions, in pain of 5. l. to be divided betwixt the King and the prosecutor; And those Triers shall doe their duties in that office without delay, in paine to forfeit for every default 5. l.

XXXIX. Foure of the Triers in London shall be yearly changed, and other four placed in their roomes, and none shall continue that office here above one yéare, and if any shall happen to be Trier two years together
he

he shall not be chosen againe within three yeares after, in pain to forfeit for every moneth he continues otherwise in that Office, x.l.

XL. No Searcher and sealer of Leather shall refuse within convenient time to doe his office, or allow any wares, which are insufficient, in pain of xl. s. And shall not take Bribes, or exact more then due Fees, in pain of xx.l. nor being lawfully elected shall refuse the office, in pain of x.l.

XLI. All red tanned Leather which shall be brought within the aforesaid jurisdiction of London shall be carried to Leaden Hall before it be housed, and there searched, sealed, and registred by the Officers aforesaid, for which if it were sealed before (out of the said jurisdiction) they shall take halfe Fees only.

XLII. None shall sell any tanned Leather within the abovesaid Jurisdiction of London, before the Officers there have searched and sealed it, in pain to forfeit the same, or the value thereof.

XLIII. None shall withstand the searchers and Sealers in the due execution of their office, nor the seising of insufficient wares, in paine of 5. s.

XLIV. The abovesaid Searchers and Sealers shall register all tanned Leather sold in Faires or Markets together with the Prices thereof, and the names and dwelling places of the buyer and seller (being thereunto required by the said Buyer and Seller) taking as well

well of the buyer as of the seller 2.d. for every ten hides, backes or butts of Leather, and 2.d. for every six dozen of Calfs skins or Sheep skins, and no more.

XLV. None shall sell any tanned Leather (red and unwrought) before it be registred, in pain to forfeit the value thereof.

XLVI. None shall buy any tanned Leather before it be searched, and sealed, nor carry it out of the Faire or Market before it be registred, in pain to forfeit the same or the value thereof.

XLVII. The Currier within the jurisdiction of London aforesaid, which currieth not his Leather sufficiently, and every other Artificer there (using tanned and curried Leather) which putteth into his Wares Leathers insufficiently tanned or curried, shall forfeit for every such default the said Wares, and the just value thereof.

XLVIII. No such Artificer shall sell any wares, but in open Shop, Faire, or Market, where due search may be made, in paine to forfeit the wares otherwise sold, and besides x.s. for every such offence.

XLIX. Here the summes of money aforesaid forfeited shall be divided into three parts, whereof the King is to have one, the prosecutor another, and the City, Corporation, or Lord of the Liberty, the third.

L. The value of the wares forfeited within the jurisdiction of London, after praisement shall also be divided into three parts, whereof one shall be given to the seisor, another

ther to the Chamber of London, and the third to the poore: And in all other places, one third part to charitable uses, another to the Head officer, or Lord of the Liberty, and the third to the Seisor or Seisors for their paines.

L I. None shall buy any forfeited wares to sell them againe, in pain to forfeit for every parcell thereof 3.s.4.d.

L II. This Act shall not prejudice the authority of the Universities, so that their Officers observe the provisions of this Act, under the Penalties therein contained.

L III. The Hides or Skins of Oxe, Steer, Bull, Cow, Calfe, Deere, Goates, and Sheep being tanned or tawed, & salt hides are reputed Leather within the Letter of this Statute.

L IV. Justices of Ass. Just. of G. D. Just. of P. Stewards of Leets, the Maior of London, and Head officers within their severall precincts have power to heare, and determine these offences.

L V. The Kings Steward of a Leet, or Liberty shall have the same authority and be subject to the like penalties, that a Lord of a Leet hath and is subject to.

L VI. It shall be lawfull for all Artificers (save only Shoemakers betwene September, and the twentieth of Aprill) to use dry, curried and frised Leather, being well tanned according to this Act.

L VII. This Act shall extend to Wales.

L VIII. If any Customer or other such Officer having notice of the transporting of any Leather,

Leather, doe not use his best indeavour to seise it, or being transported doe not disclose it within forty dayes, he shall forfeit for the first default 100. l. and for the second lose his place; And every such Officer for making a false Certificate of the Arrivall of any Leather shall also forfeit 100. l.

LIX. This Act shall not extend to Scottish Hides brought to Barwick.

LX. Licences to dispence with the Offences prohibited by this Act shall be void.

6 LXI. *Stat. 4. Jac. 6.* There shall be no penalty for housing, buying or selling Sheepskins unsealed.

LXII. None shall sell tanned Leather by weight, in pain to forfeit the same, or the value thereof to be divided betweene the King and the prosecutor.

See Actions popular, 18. Labourers, 53.

Letters of Administration, S. Ecclesiasticall Court.

Liberties, and Franchises.

Stat. 27. H. 8. 24. All Stewards, Bayliffes, and other Ministers of Liberties, and Franchises which have used to attend the Just. of Ass. G. D. and of P. shall doe it still, and shall also make due execution of all Process directed unto them: the said bayliffes likewise, or their Deputies shall give attendance, and assistance upon the Sheriffe at all Courts of G. D. for execution of Prisoners there according to Justice. *S. Sheriffes.*

Main-

Maineprise, s. Bailment.

**Maintenance, Champerty,
Embracery, and Buying of
Titles.**

I. Stat. West. 1. 3. E. 1. 25. None of the Kings officers shall either by himselfe, or others maintain Pleas, Suites, or Matters hanging in the Kings Court, for land, tenements or other things for to have part or profit thereof, in pain to be punished at the Kings pleasure.

II. Stat. West. 1. 3. E. 1. 28. No Clerk of the King, or of any Justicer shall receive the presentment of any Church, for which there is debate in the Kings Court, without the Kings speciall Licence, in paine to lose the Church, and his service, and that no Clerk of any Justicer or Sheriffe take part in any Suites, or use fraud whereby Common right may be delayed, in paine to be punished as aforesaid, and more grievously, if the Trespasse require it.

III. Stat. West. 2. 13. E. 1. 48. The Chancellor, Treasurer, Justices, any of the Kings Councell, Clerk of the Chancery, Exchequer or of any Justice, or other officer, or any of the Kings house, Clerk, or Lay, shall not receive any Church or Advowson of a

H

Church

Church, Land, or Tenement in Fee by gift, by purchase, to ferme, by Champerty, or otherwise, so long as the same thing is in Plea, nor shall take any reward thereof, in pain to be punished at the Kings pleasure both the buyer, and seller.

4 IV. Stat. 28. E. 1. 11. None shall take upon him a businesse in Suit, with an intent to have part of the things sued for; neither shall any upon any such Covenant give up his right to another, in pain that the taker shall forfeit to the King so much of his lands and goods as doth amount to the value of the part so purchased for such maintenance, to be recovered by any that will sue for the King before the Justices, before whom the Plea hangeth.

V. This statute shall not prohibite any to take Counsell at Law, for his Fee, or of his parents, or next friends.

5 VI. Stat. 33. E. 1. He that shall be arraigned of Champerty, or Maintenance shall suffer three years imprisonment, and be fined at the Kings pleasure.

6 VII. Stat. 1. E. 3. 14. None shall take upon him to maintain quarrels, and parties in the Country, to the Let, and disturbance of the Common law.

7 VIII. Stat. 4. E. 3. 11. Justices of the Benches, Justices of Assise, and of *nisi prius* shall heare, and determine, maintenance, Conspiracy, and Champerty.

8 IX. Stat. 10. E. 3. 4. None shall maintain any quarrels, save only their own.

X. Stat.

X. Stat. 1. R. 2. 4. No great officer of the King shall maintaine quarrels in the Country, in pain of a Fine, to be set by the King, and his Councell, and no other person in pain of Imprisonment, and to be fined at the Kings will, and if he be the Kings officer, or household servant he shall also lose his place. 9

Stat. 1. R. 2. 7. None shall give liveries for maintenance of Quarrels, in paine of Fine, and imprisonment. 10

XII. Stat. 1. R. 2. 9. All gifts or Feoffments of lands, Tenements, or goods for maintenance shall be void. 11

XIII Stat. 7. R. 2. 15. The Statutes of 1. E. 3. 14. 4. E. 3. 11. & 1. R. 2. 4. & 9. shall be duly executed in all points. 12

XIV. Stat. 4. H. 4. 8. If any make forcible entry into lands by way of Maintenance, the Chancellor of England shall grant a speciall Assise without suing to the King, and if the Disseisor shall be attainted thereof, he shall suffer one whole yeares imprisonment and restore double damages to the party grieved. 13

XV. Stat. 32. H. 8. 9. All statutes which concerne Maintenance, Champerty, and Embracery shall be duly put in execution. 14

XVI. None shall buy any pretended right or Title in any land, unlesse the seller hath taken the profits thereof one whole yeare before, in pain that both the buyer and seller shall each of them forfeit the value of the same land to be divided betwixt the King

and the prosecutor.

XVII. None shall unlawfully maintain any Suit or action, retain any person for Maintenance, Embrace Jurors, or suborn witnesses to the hinderance of Justice, or the procurement of perjury, in pain to forfeit for every such offence x.l. to be divided betwixt the King and the prosecutor.

XVIII. Howbeit purchasing of a pretended Title by him that is already lawfully possessed of the thing whereunto Title is made, is lawfull.

XLX. Proclamations shall be made at the Assises of the Statutes made against Maintenance, Champerty, Embracery, and unlawfull Retainers.

XX. The Offenders against this Act shall be prosecuted within one yeare.

See *Actions Popular*, 12. 15. 18.
Force, 4.

Marches.

Stat. 31. H. 6. 3. They may punish such as shall unlawfully (against the provision of this Statute) attach men dwelling farre off, to appeare in the Warden Courts of the Marches neere Scotland.

Mari-

Marshes. Masons.

149

Mariners, s. Capitaines, 31.
35. &c.

Markets, s. Horses, 11, &c.

Marshalls of the Kings Bench,
s. Bailement, 3.

Marshalsey, s. Poor people, 15.

Marshes.

Stat. 7. Jac. 20. Their power in recovering Marshgrounds in Norfolk, and Suffolk.

Masons.

Stat. 3. H. 6. 1. It shall be Felony to plot confederacies amongst Masons, & those which assemble upon such confederacies shall suffer Imprisonment, and pay fine and ransom at the Kings pleasure.

Matrimony.

I. Stat. 7. Jac. 11. It shall be Felony for any person to marry, which hath had notice
H 3 that

that his or her former husband or wife was living, within seaven yeares before.

II. The Triall in this case shall be in the County where the party delinquent shall be apprehended.

III. But this Statute shall not extend to question any for Felony, where the former marriage was (before the latter) severed by divorce, or declared void, in the Ecclesiasticall Court, or was made before the age of consent, neither shall the breach of statute draw after Corruption of blood, losse of Dower, or disinherison of heire or heires.

Mault.

I

I. Stat. 17. R. 2. 4. Mault made in the Counties of Huntington, Cambridge, Northampton, and Bedford, and brought to London, for the provision of the Court, and City shall be well clenfed from Dust, and other filth: And Maiors, Bailiffes, and Wardens of townes and places, where it is sold, have power to make search, and to see such defaults redressed.

2

II. Stat. 2. E. 6. 10. None shall imploy lesse time in the making, and drying of Mault, except in the moneths of June, July, and August, then three weekes; and in these moneths, lesse then seaventeen dayes; nor put to sale any Mault mingled of good and bad, in pain to forfeit for every quarter otherwise ordered or sold, 2. s. to be divided betwixt

betwixt the King and the prosecutor.

III. None shall put any Mault to sale before (by treading, rubbing, and Fanning it) he shall have conveniently taken out of every quarter halfe a peck of Dust, or more, in paine to forfeit xx. d. for every quarter otherwise sold, to be divided betwixt the King and the prosecutor.

IV. Justices of Peace in Sessions, and Stewards of Leets have power to heare and determine these offences as well by presentment of 12. men, as by information of two Witnesses.

V. Bayliffes and Constables of townes, and places, where faulty Mault is made or mingled as aforesaid, have power to make search for it, and being found (with the Advise of a Justice of P.) to make sale thereof at their discretions.

VI. None shall be punished by this Act, which only maketh mault for his owne provision, nor unlesse the Action be prosecuted within one yeare.

VII. Stat. 39. El. 16. Justices of Peace in Sess. have power at their discretions to restrain the superfluous number of Maulsters and also of the Buyers of Barly to be converted into Mault.

VII. If any man shall be convicted by the testimony of two witnesses, or his owne Confession to have disobeyed the restraint aforesaid, he shall suffer three dayes imprisonment, without baile, and there shall still remain untill he shall (before some I. of P.)

become bound by recognisance in xl. l. to obey the said Restraint.

IX. Justices of P. of the County shall not execute this law within Corporations; but only the Justices and chiefe officers of the same Corporations.

X. Those which have Barley of their own growing, Tith Corne, or rent Corne, may convert it into Mault notwithstanding this Statute.

XI. Maulsters shall not meddle with the execution of this Act.

S. Forefallers, 5.

Measures, S. Weights.

Millers, S. Weights, 12.

Money.

- I. *Stat. 25. E. 3. 2.* It shall be high Treason to counterfeit the Kings money, or to bring into this Kingdome counterfeit mony knowing it to be false.
- 2 II. *Stat. 3. H. 5. 7.* Just. of Ass. and Just. of P. shall have power by Commission the Kings to heare, and determine the offences of bringing in of false money as also of counterfeiting, washing, or Clipping it, and of every other falsity concerning money.
- 3 III. *Stat. 1. M. 6.* It shall be adjudged high

Money.

153

high Treason to counterfeit forraine Coyn, currant in England.

IV. Stat. 1. 2. P. M. 11. It shall be high Treason to bring into this Kingdome any counterfeit forraine Coine to the intent to utter it here, knowing the same to be false. 4

V. Stat. 5. Elizab. 11. It shall be high Treason to clip, wash, round or file currant money, whether English or Forraine; for which the offender shall suffer, as in case of high Treason, and also shall forfeit his goods and Chattels for ever, and his lands also during life. 5

VI. Stat. 14. El. 3. It shall be misprision of Treason to counterfeit forrain Coine, not currant in England; for which the offender shall suffer imprisonment, and forfeit such lands and goods, as in case of misprision of Treason for concealment of high Treason. 6

VII. Stat. 18. El. 1. It shall be high treason to diminish, shale or lighten any Currant Coine, English, or forraine, for which the offender shall forfeit his goods and Chattels for ever, and his lands during life; But here there shall be no Corruption of Blood, or losse of Dower. 7

VIII. A Peere of the Realme guilty of this offence shall be tryed by his Peeres.

Mortuaries.

I. Stat. 21. H. 8. 6. None shall take, or demand. H 5.

demand for a mortuary any thing at all, where (by the Custome) they have not been usually paid, nor upon the death of a woman Covert, a Child, any person not keeping house, a wayfaring man, one not residing in the place, where he happens to die, or where the goods of the dead person (debts deducted) amount not to the value of x. markes, or above the summe, 3.s. 4. d. when they exceed not xxx. l. or above 6. s. 8. d. when they exceed xxx. l. and not xl. l. or above x.s. when they amount to xl. l. or above, in pain to forfeit so much as they shall take above the severall summes limited by this Act; besides xl.s. to the party grieved to be recovered by Action of Debr.

II. Mortuaries for wayfaring men, and all other, which die out of their place of Residence, shall be paid only in the place, where they had their most habitation at the time of their death, and no more but one Mortuary upon one death.

III. Lesse Mortuaries already settled by Custome, shall not be encreased by this Act; And there also, persons exempted by this Act, shall not hereafter be chargeable. See the stat. 29.H.8.15.

Note that I. of P. may punish those for extortion which take more then this statute allowes, *Vide Lambert, 435. & Rast in Tabula.*

Murder.

- I. Stat. 52.H.3. 25. Murder from henceforth.

forth shall not be judged before the Justices, where it is found misfortune only, but it shall take place in such as are slaine by felony and not otherwise.

II. Stat. 6. E. 1. 9. No Writ shall issue **2**
out of the Chancery for the death of a man: but the delinquent shall be imprisoned till the coming of the Justices in Eyre, or Justices of G. D. and having put himselfe upon the Country, if it shall be found by misfortune, or in his own defence, upon report thereof by the Just. the King (if he please) may take him to his grace.

III. An Appalor, which declares the deed, the year, the day, the houre, the time of the King, the place where, the weapon by which the party was slain, and prosecutes his Suit within a yeare and a day, shall not be barred for default of fresh Suit.

IV. Stat. 2. 3. E. 6. 24. If one be stricken, or poisoned in one County, and die thereof in another, an Indictment found against the Offender in the County where the party died, shall be as effectuell, as one found in the County, where he was first stricken or poysoned: And there also may an Appeale be sued as well against the Accessaries as Principall. **3**

V. An Indictment found against an Accessary to any such Murder, or Felony in another County, then where the principall offence was committed, shall be as effectuell, as if it had been found in the same County; And the Justices, before, whom such Accessary shall

shall be tried, or two of them, shall write to the *Custos Rotulorum*, of the other County for a Certificate of the proceeding against the Principall, and shall give Judgement accordingly.

S. Bastardy, 4. Clergie, Felony, 15.

Newes.

Stat. West. 1. 3. E. 1. 33. None shall report any false or slanderous newes, or tales whereupon discord may arise betweene the King, and his People, or the great men of the Realme, in pain of Imprisonment, till he produce the Author.

See also *1. R. 2. 5. & 12. R. 2. 11. S. Fishdayes, 11.*

Oatmeale, *S. Foresters, 5.*

Oathes, *S. Recusants, 8. 88.*

Sewers, *2. Sheriffes, 17.*

Ordinary, *S. Ecclesiasticall Court.*

Oldfeild Dike in the Isle of Ely, *S. Felony, 13.*

Out-

Outlawed persons, s. Baile-
ment, 1. Sheriffes, 4.

Outlawries, s. Certificate.

Pannell, s. Jurors.

Pardon.

I. Stat. 2. E. 3. 2. No Pardon shall be
granted of Manslaughter, Robbery, Felony,
or other trespasses against the Peace, but
only where the King may doe it, saving his
oath, viz. where one slayeth another in his
owne defence, or by misfortune. 1

II. Stat. 4. E. 3. 13. & 10. E. 3. 2. The sta-
ture of 2. E. 3. 2. shall be duly put in Execu-
tion. 2

III. Stat. 10. E. 3. 3. Those which ob-
tain the Kings Pardon for Felony shall
within three months after such Pardon pro-
duce before the Sheriffe, and Comers six
sufficient mainprisors, or Sureties, who shall
under their seales be bound for the good be-
haviour of the party pardoned, which Main-
prises shall be returned into the Chancery
within three weeks after the said 3. months. 3

IV. If the party pardoned faile to pro-
cure

cure such surety, or having procured beare himselfe otherwise against the Peace then he ought, the pardon shall be holden for none.

4 V. Stat. 14. E. 3. 15. No pardon of the death of a man or other Felony shall be granted, but only where the King may doe it, saving the oath of his Crowne, and if any pardon be granted against the Statutes made before this time, it shall be holden for none.

5 VI. Stat. 27. E. 3. 2. Pardons, which have not in them the suggestion, whereupon they are granted, and also the suggestors name, shall be void; so are those likewise, which are granted upon false suggestions.

6 VII. Stat. 13. R. 2. 1. In a Pardon the offence committed shall be specified, otherwise it shall not be allowed.

VIII. No pardon of Treason or Felony shall passe without warrant of the Privy Scale.

IX. If the offence pardoned be afterwards found wilfull murder, that Pardon shall not be allowed.

7 X. Stat. 5. H. 4. 2. If an approver shall commit felony after he is pardoned, he that procured his pardon shall forfeit C. l. whose name shall also (for that purpose) be inserted in the said Pardon.

Parks, S. Hunting.

Parliament.

I. Stat.

I. Stat. 23. H. 6. 11. The Sheriffe the next County Court after he shall have received the writ for assessing the wages of the Knights of the Parliament, shall make proclamation that the Coroners, Chiefe Constables, Bayliffes, and all other (that will) appeare at the next County Court to Assesse the same Wages, at which last County the Sheriffe and the other officers shall be present in proper person in pain that every one which makes default shall forfeit xl. s.

II. The Sheriffe or other officer which levies more then is assessed shall forfeit xx. l. to the King, and x. l. to the prosecutor.

III. Justices of both the Benches, Just. of Assise, G. D. and of P. have power to heare, and determine these abuses, as well at the Suit of the King, as of the party.

IV. This Assessment shall not be levied, but only in places, where it hath been formerly levied, and hereafter in every writ for that purpose, this Act shall be inserted.

V. Stat. 35. H. 8. 11. Two Justices of P. in every County of Wales, and Monmouthshire have power to tax the Cities, Burroughs, and townes there, what proportion every of them shall pay towards the Charges of their Burgeses for the Parliament.

VI. It appeares by the preamble of this Statute that the Wages of a Knight of the Parliament is 4. s. the day, and of a Burgesse, 2. s. or more.

Partridges, s. Hawkes.

Paving.

- I. Stat. 13. El. 23. An Act made for the paving of certaine streets, and Lanes about Aldgate, and white Chappell in the suburbs of London, and for clenſing certaine ditches thereabouts, and that I. of P. of London and Middleſex may inquire, and aſſeſſe fines for defaults to the Queenes uſe.
- 2 II. Stat. 23. El. 12. This Statute is an Addition of the former by vertue whereof I. of P. there have power to make a Scavenger.

Penall Statutes, s. Actions Popular.

Perjury.

I. Stat. 5. El. 9. None ſhall ſuborne a Witneſſe to give teſtimony in any Court of Record concerning any lands, goods, Debts, or damages, in paine of xl. l. And if the offender being convicted thereof hath not wherewithall to ſatiſſie the ſaid Forfeiture, he ſhall ſuffer ſix moneths imprisonment
with

without Baile, stand upon the Pillory one whole houre in the next or same market Towne where the offence was committed, and be for ever after disabled to give Testimony in any Court of Record, untill the Judgement given against him be reversed by Attaint or otherwise. See *Maintenance*.

II. He that commits wilfull perjury shall forfeit xx.l. suffer six moneths Imprisonment without Baile, and be ever after disabled to give Evidence, untill the Judgement given against him shall be reversed as aforesaid; And here also, if he hath not wherewithall to discharge the fine (in the Country) the Sheriffe, or (in a Corporation) the Head officer shall cause him to be set upon the Pillory in some market place, and to have both his eares nailed.

III. The Forfeitures abovesaid shall be divided betwixt the Queene and the party grieved.

IV. Judges of the Courts where such offences shall happen to be committed, I. of Ass. G. D. and of P. have power to heare and determine the same offences.

V. This statute shall be proclaimed at every Assise.

VI. This Act shall not extend to any Court ecclesiasticall, but that they may there proceed as in times past.

VII. This Act shall not restraine the power of the Star Chamber to punish haynous Perjuries.

VIII. Howbeit, none served with a Pro-
cess

celle out of a Court of Record to testifie, as a witnesse (being tendred convenient charges, and having no reasonable let) shall therein make default, in pain to forfeit x. l. and to yeild such further Recompence to the party grieved, as the Judge of the same Court shall think fit, according to the damage sustained; which said summes shall be recovered by the said party grieved in any of her Majesties Courts of Record by Action of Debt, wherein no wager, essoine, or protection shall be allowed.

Petty Treason, S. Clergy.

Pewter, S. Brasse.

Physitians.

I. Stat. 14. H. 8. 5. None shall practice Physick in the Country without a Testimonial of his sufficiency from the Colledge of Physitians in London, unless he be a Graduate of one of the Universities.

II. Stat. 1. M. 9. Sess. 1 Just. of P. Maiors, Sheriffes, Bayliffes, Constables, and other officers shall assist the President of the Colledge of Physitians in London, and all persons authorised by them for the due execution of their Lawes, and Statutes, in pain to run in Contempt of the Queenes Majesty,

Plague.

163

He, her heires, and Successors.

Pillory, s. Weights.

Plague.

I. Stat. 1. Jac. 3 1. The Maior, Bayliffes, Head officers, or Just. of P. of a Corporation or any two such Justices, have power to tax the Inhabitants there towards the reliefe of those, which are infected with the Plague, and to make warrant under their hands and seales for any person to levy the said tax upon the goods of those, which shall refuse or neglect to pay the same; And if no goods can be found to satisfie the tax upon the parties refusall of it, to commit him to Prison there to remaine untill the tax be satisfied.

II. If the Corporation shall not be able to relieve the persons infected, upon Certificate thereof to the Just. of P. of the County thereunto adjoyning, or any two of the said Justices shall have like power to tax, levy, and imprison, as aforesaid, within five Miles distance of the said Corporation.

III. In townes, and places not corporate, or where there are no Justices, or Head officers as aforesaid two Justices of P. of the County, shall tax, levy, and imprison, as aforesaid, within five Miles distance of the towne, or place so infected.

IV. These taxes shall be certified in at the next Qu. Sess. of the Corporation, or County respectively, and shall there be
or

ordered, as by the Justices there, or the more part of them shall be thought fit.

V. The Constable or other officer, which wilfully neglects to levy the tax upon a warrant, as aforesaid, shall forfeit for every such default x.s. to be imploied upon the charitable uses aforesaid.

VI. If any infected person residing in an infected house after command by a Justice or other officer presume to come forth, the Watchmen may resist him, and if any hurt happen to him thereupon, the Watchmen shall not be impeached therefore.

VII. If any person having a sore upon him go abroad, and converse in Company, he shall suffer as a Felon, and if he have no sore, he shall be punished, as a vagabond according to the Statute of 39. El. 4. See *Vagabonds*, 3. &c.

VIII. No Attainder of Felony by vertue of this Act shall extend to Corruption of Blood, or forfeiture of goods or Lands.

IX. It shall be lawfull for the Just. of P. and Head officers to appoint Searchers, Watchmen, Examiners, Keepers, and Buriers, and to minister unto them oathes for the due performance of their offices, and to give them other directions as in their discretion shall be thought fit.

X. Justices of P. or Head officers shall not by force of this Act meddle in the Universities, Cathedrall Churches, or Colledges.

Playes and Games.

I Stat. 33. H. 8. 9. None shall keep, or maintain a house or place of unlawful games, in pain of xl. s. and none shall use, or haunt such places, in paine of 6. s. 8. d.

II. In every Placard to keep common Gaming the Games there to be used shall be inserted, as also the persons, who shall play thereat, and every Placard otherwise granted shall be void: The Gantee also of such a Placard shall be bound by recognisance in the Chancery with good sureties, not to use it contrary to the form thereof.

III. It shall be lawfull for Justices of P. in every County and for Head Officers in Corporations (as well within Liberties as without) to enter and resort into all such houses, and places, where such unlawfull Games are suspected to be used, and aswell the Keepers thereof, as the resorters thereunto, to arrest and imprison, untill they shall severally give good Security (at the discretions of the said Justices or officers) not to keep, or use such games any more.

IV. Every Maior, Sheriffe, Bayliffe, Constable, and other Head officer within every City, Borough, or towne shall make due search (as aforesaid) once every moneth at least, in pain to forfeit xl.s. for every such default.

V. No Artificer, or his Journeyman, No Husbandman, Apprentice, Labourer, Servant at husbandry, Mariner, Fisherman, Waterman, or Servingman, shall play at Tables, Tennis, Dice, Cards, Bowles, Clash, Coyting, Logg

Logating, or any other unlawfull game out of Christmas, or then, out of their Masters house, or presence, in paine of xx. s. And none shall play at Bowles in open places out of his Garden or Orchard, in pain of 6. s. 8. d.

VI. All Informations, or suits upon this Statute shall be prosecuted within one year, and the forfeitures thereof, which happen within a Leet or Liberty shall be divided betwixt the King & the Lord thereof, & in all other places betwixt the King & the prosecutor.

VII. Proclamation of this Act shall be made quarterly in every Market Towne, as also at every G. D. Ass. and Sess.

VIII. This Act shall not restraine a servant by his Masters Licence to play at Cards, dice, or Tables with the Master himselfe, or other gentleman resorting to the Masters house; and if the Master hath Freehold of 100. l. per annum, he may also licence his servant to play at Bowles, or Tennis.

IX. Stat. 2. 3. P. M. 9. All Licences to keep houses and places of unlawfull Games shall be void.

X. Stat. 3. Jac. 2. 1. None shall in any stage play, Shew, May-game, or Pageant profanely use the name of God, Christ Jesus, the Holy Ghost, or Trinity, in pain of x. l. to be divided betwixt the King and the prosecutor.

S. Actions Popular, 17. Alehouses, Holydayes, 1.

Ponds

Poore People.

167

Ponds, S. Hunters.

Poore People.

I. Stat. 43. EL. 1. The Churchwardens of every parish, and 4. 3. or 2. housholders there, (according to the greatnesse of the parish) to be nominated yearly in Easter week or within one moneth after under the hands and seales of two Justices of P. (1. Qu.) shall be called Overseers of the Poore for the same parish.

II. These Officers or the greater part of them shall take order (with the Consent of two such Just.) for the setting of poore people to work, and for raising (by taxation) a convenient stock, to work upon, to relieve impotent persons, to put forth Apprentices, and to performe all other things concerning the premisses.

III. These officers or such of them as shall not be let by some just excuse (to be allowed two such Justices) shall meet monethly in the Church upon the Sunday after Evening prayer, and there consider of some meet direction in the premisses; And shall within foure dayes after the end of their yeare and other Overseers nominated, yeeld up a true accompt to such two Justices, pay the Surplusage thereof to their successors, and use all possible diligence in their office, in pain
to

to forfeit for every such default xx. s.

IV. Where the Inhabitants of any parish are not able to relieve themselves, two such I. may tax other parishes and places, and the whole Hundred also (if need require) and where the whole Hundred is not able, Just. of P. in Sess. may tax the County in part or wholly at their discretions.

V. It shall be lawfull for the said officers upon warrant from two such Just. to levy such tax or surplussage by distresse and sale of goods, and in default of distresse two of the said Just. have power to commit the party to Prison there to remain without Baile, untill it be discharged, and also to commit persons, which refuse to work to the house of Correction.

VI. The said officers, or the greater part of them with the assent of two I. of P. may bind poore Children Apprentices, viz. a man child till 24. yeares of age, and a woman Child till 21. yeares, or Marriage.

VII. The said officers shall (with the Consent of the Lord of the Mannor first obtained in writing under his hand and Seale) either of themselves or by vertue of a Sess. order erect Cottages upon the wast and lodge Innates therein, notwithstanding the statute of 31. El. 7. But those Cottages shall not be afterwards otherwise employed then to lodge impotent persons therein, upon the paines mentioned in the said statute of 31. El.

VIII. Justices of P. in Sess. shall redifie unjust taxes, whose order therein shall be binding

ish
n I.
the
and
ust.
t or

cers
levy
le of
the
ty to
ntill
ons,
Cor-

part
may
man
man

Con-
ained
ither
order
odge
atute
ot be
odge
aines

**Life
binding**

XIV Justices of P. of every County and
I Corpo-

Corporation, or the more part of them, at their Easter Sessions, shall yearely (or as often as they shall thinke fit) rate every Parish at a certaine summe, to be paid weekly; but so, as no parish may pay more then six pence, nor lesse then a halfe penny, and (one Parish being considered with another) not above two pence a piece, through the whole County or Corporation; which summes so rated, the Church-wardens and Constab. of every Parish, or any of them (or in their default a Just. of P.) have power to asseesse and levie by distresse, sale and commitment, as aforesaid.

XV. Justices of P. shall then likewise rate every parish, towards the reliefe of the Kings Bench and Marshalse, and also of Hospitals and Almes-houses situate within their severall Jurisdictions, appointing onely so much to the said Hospitals and Almes-houses, that the Kings Bench and Marshalse may each of them receive at least 20.s. yearely out of every County: And the summes thus to be asseessed upon every Parish, the Churchwardens there shall collect and pay over quarterly to the high Constable of that respective Division, ten dayes before every quarter Sessions, and the high Constable shall every quarter Sess. pay the same over to the two Treasurers of the County, or one of them, to be yearely chosen by the more part of the Justices of P. and such Subsidie-men as were taxed in the last rate of Subsidies at 5.l. lands, or 10.l. goods: which Treasurers so chosen,

chosen, shall yearely at Easter Sessions render a true accompt to their successors, and pay the moneys in their hands to the L. Chiefe Justice of the Kings Bench, and the Knight Marshall, by equall portions. And here, the Churchwarden or his Executors, &c. which failes in payment to the high Const. shall forfeit 10.s. and the high Const. or his Executors, &c. which failes in payment to the Treasurers, shall forfeit 20.s. to be levied and impoyed by the said Treasurers, as aforesaid.

XVI. The stock of every County shall be ordered and disposed to charitable uses, as the Justices or the more part of them shall think convenient.

XVII. The Treasurer that refuseth to execute his office, to distribute reliefe, or to accompt, as the more part of the Justices shall direct, shall be fined by the same Justices, or (in their default) by the Judges of Assise, three pounds at least, which fine shall be levied by sale of goods, upon the prosecution of any two Justices authorized by the rest.

XVIII. A provision for the Island of Fowlness in Essex.

XIX. Upon an Action brought for the due execution of this Act, the defendant may plead the generall Issue, and yet give special matter in evidence; and shall also recover treble damages, and his costs of suit.

XX. Stat. 1 Jac. 25. All persons, to whom the Overseers of the poore shall (according to the Statute of 43. El. 2.) bind any children

children Apprentices, may take, receive, and keep them as Apprentices. Stat. 21. Jac. 28.

3 XXI. Stat. 3. Car. 4. All persons, to whom the Overseers of the poore shall (according to the Stat. of 43. El. 2.) binde any children Apprentices, may take, receive, and keep them as Apprentices.

XXII. The Churchwardens and Overseers of the poore (mentioned in the Statute of 43. El. 2.) may, with the consent of two or more Just. of P. (1. Qu.) within their respective limits, wherein there shall be more Just. of P. then one, and where no more shall be then one, with the assent of that one Justice, set up, use and occupie any Trade, Mystery or Occupation, onely for the setting on worke, and better reliefe of the poore of the parish, or place where they so beare office respectively.

Poulters, S. Victuall, 2, 10.

Powdike in Norfolke, S. Felony, 13.

Poysoning, S. Murder.

Presentments, S. Indictments.

Priests, S. Recusants.

Prisons,

Prisons, Prisoners, Gaoles,
Gaolers.

I. Stat. 4.E.3.10. Sheriffes and Gaolers shall receive offenders without any thing taking, in paine to be punished by the Justices of Gaole-delivery.

II. Stat. 14.E.3.10. Gaoles which were wont to be in the Sheriffs custodie, shall be againe rejoyned to their Baliwicks. See Stat. 13.R.2.19. & 19.H.7.10.

III. The Gaoler, which by duces compels a prisoner to become an Approver, shall have judgement of life and member.

IV. Stat. 9.H.4.10. Justices of P. shall imprison none, but in the common Gaole.

V. Stat. 14.El.5. Just. of P. in Sess. or the more part of them, have power to tax every parish in the County (but not above 6.d. or 8.d. a piece) towards the reliefe of prisoners, which tax the Church-wardens of every Parish shall levie every Sunday, and pay it in quarterly to the high Constable, or (in a Corporation) to the head Officer, and the high Const. or head Officer shall pay the same at every Qu. Sess. to the Collectors thereof, to be appointed by the said Justices, who shall distribute it weekly to the said prisoners.

VI. The Church-wardens, high Constables, head Officers, or Collectors aforesaid, which herein shall be found negligent, shall

shall forfeit 5*l.* to be divided betwixt the Queene and the prisoners.

VII. Justices of P. within the County shall not intermeddle within a Corporation for the execution of this Act; but onely the Maior or head Officers of the same.

5 VIII. *Stat. 3. Jac. 10.* An offender which is to be conveyed to the Gaole, shall beare all charges, both of himselfe, and of those which guard him.

IX. If he refuse so to do, upon warrant from a Just. of P. the Constable of the township where he hath any goods, (being within the same County) may sell so much thereof, as in the discretion of the said Justice shall be thought sufficient to satisfie the said charges; the appraisement thereof to be made by the neighbours there, and the overplus to be rendred to the said offender.

X. If the offender hadh no goods to satisfie the charges, the Constables, Churchwardens, and two or three other honest Inhabitants, or (in case there be no such Officers there) foure of the principall Inhabitants of the Parish where he was taken, shall make a tax, according to which (being allowed under the hand of a Just. of P.) every Inhabitant shall pay the said charges; And upon refusall, (by warrant from a Just. of P.) the Constable, Tythingman, or other Officer, hath power to levie the same by distresse, and (after appraisement by foure Inhabitants there) to sell the same, rendring the overplus to the party so refusing.

XI. Here

XI. Here if the Officer which distraines be sued, he shall plead Justification, and upon verdict for him, or nonsuit of the Plaintiff, he shall recover treble damages, besides costs of suit.

See *Bailment*, 1, 10. *Cerciorari*, *Felony*. 2, 3, 11.

Probat of Wils, s. Ecclesiasticall Court.

Processe.

Stat. 5. E. 3. 11. Justices assigned to heare and determine felonies, may make out processe against felons appealed, indicted, or outlawed before them, into forraine Counties for their apprehension.

See *Superfedeas*, 2.

Prophecies.

I. **Stat. 5. EL. 15.** None shall publish or set forth any phantasticall or false prophetic, with an intent to raise sedition, in paine to forfeit for the first offence 10 l. and to suffer one whole yeares imprisonment; and for the second, all his goods, and to incurre imprisonment during life; which said forfeitures are to bee divided betwixt the King and the prosecutor.

II. Justices of Ass. Oyre and Term. and of P. have power to heare and determine this offence,

offence, being prosecuted within six months, otherwise not.

Purveyors, Takers.

I I. *Stat. Magna Charta, 9.H.3.19.* No Constable of a Castle, or his Bailiffe shall take Corne or Cattell of a forraigne dweller without present payment, nor of an Inhabitant, without payment within forty dayes. See *Stat. 3.E.3.7.*

2 II. *Ibidem, cap.21.* No Sheriffe or Bailiffe of the Kings, or any other, shall take the Horses or Carts of any man to make carriage, except he pay for carriage with two Horses, after the rate of 10.d. a day, and with three, 14.d. a day.

III. No Demefne cart of any Spirituall person, Lord, or Knight, shall be taken for carriage by the Kings Bailiffes; neither shall any wood be taken for the Kings use, without the owners licence.

3 IV. *Stat. de Tallagio non concedendo, tempore H. 3.* None of the Kings ministers shall take any Corne, Hides, or any other goods, without the owners consent. *Stat. tempore E.1.*

4 V. *Stat. 3.E.1.1.* None shall make purveyances of goods, carriages, Ships, or Barges, without the owners consent.

5 VI. *Stat. 3.E.1.31.* Purveyors, which take any thing for the Kings use upon credence, shall, immediatly after they have received money of the King, for the discharge thereof,

thereof, pay the Creditors, in paine to have the same (together with damages) levied of their lands and goods, and also to make fine for the trespass: And if they have neither lands nor goods, they shall suffer imprisonment at the Kings will.

VII. None shall take more Horses or Carts for the Kings use, then need requires; nor take reward to excuse any, in paine to be punished by the Marshals, if he be of the Court; and if not (being thereof attainted) to pay treble damages, and to remaine in the Kings prison forty dayes.

VIII. Stat. 28. E. 1. 2. None save the Kings Purveyors shall take any prises, and they onely for the use of his house, paying, or making agreement with the party for the same, if the prises taken be meate, drink, or such other meane things.

IX. Purveyors shall before they take any goods, shew their warrant to the owner, which warrant shall be under the Great or petty Seale, declaring also their authority, and the goods, whereof they are to make purveyance; neither shall they take any more then need requires.

X. Purveyors shall not take any thing for them that be in wages, nor for any other; but shall make full answer in the Kings house and in the Wardrobe, for all things taken by them, without making their larges elsewhere, or Liveries of such things as they have taken for the King.

XI. A Purveyor (upon complaint made

I 5

to

to the Steward or Treasurer of the Kings house) being attainted to have offended in the premiffes, shall forthwith agree with the party grieved, be put out of the Kings service for ever, and remaine in prifon at the Kings pleasure.

XII. If a Purveyor be attainted to have taken any thing without warrant, he shall be conveyed to the next Gaole, and suffer as a Felon, if the value of the goods do fo require.

XIII. Concerning prices made in Faires, good Townes, and Ports, for the Kings great Wardrobe, the Purveyors shall have their common warrant under the Great Seale.

XIV. This Act shall not diminish the Kings right for ancient prices due and accustomed, as of Wines and other goods. See this *Stat.* confirmed, 18.E.2.2. & 4.E.3.4.

7 XV. *Stat.* 4.E.3.3. No purveyance shall be made, but onely for the houses of the King, Queene, or their Children.

XVI. Purveyances made for those houses shall be taken by ordinary striked measure, and prised at the true value by the Constable, and other good men of the place, according to their Oath, and without threats or *dures*; for which expresse payment shall be made before the Kings departure out of the verge. See this *Statute confirmed*, 10.E.3.1.

8 XVII. *Stat.* 5.E.3.2. Purveyances for the Kings, Queenes, or Kings Childrens houses, shall be made without menace by the Constables, and foure discreet men of the place,

place, where they are to be taken, who shall also be thereto sworne; And Tallies of the goods so taken shall be strook betwixt the Purveyors and the owners thereof, in the presence of those Constables and praisers, under the seales of the said Purveyors, according to which the said owners shall be afterwards paid; And if a Purveyor shall be attainted to have taken any thing otherwise then is limited by this Statute, he shall be imprisoned, and suffer as a Felon, if the value of the goods require it: And in every warrant of Purveyance, the forme and penalty of this Statute shall be inserted. *See Stat. 25.E.3.1.*

XVIII. *Stat. 10.E.3.4.* The Sheriffe shall make purveyance for the Kings horses. 9

XIX. *Stat. 14.E.3.1.* Spirituall persons goods shall not be taken by Purveyors, nor their houses charged with Horses, Dogs, Hawkes, or the like, without their consent and good liking. 10

Stat. XX. 14.E.3.19. The Kings Purveyors shall take nothing without the owners consent, and shall pay for what they take, before the Kings departure out of the verge; And if they attempt to do any thing against this Statute by colour of their Commission, no man is bound to obey them. 11

XXI. For the Purveyance of Castles, and Townes in Scotland and England, Merchants shall be appointed by the Treasurer without Commission; but none shall be compelled to sell any thing against their will.

XXII. The

XXII. The Sheriffe shall make Purveyance for a certaine number of the Kings horses, and Dogs, out of the issues of his Bailiwick.

XXIII. The Countrey shall not be charged with any more then to keep these horses, viz. for every horse a servant, without bringing women, Pages, or dogs with them.

12 XXIV. Stat. 18.E.3.4. In Commissions for Purveyance, the fees of the Church shall be excepted.

13 XXV. Stat. 25.E.3.6. No Purveyor shall take any timber growing about a mans house, in paine of one yeares imprisonment, and the losse of his Office.

14 XXVI. Stat. 29.E.3.15. No Purveyor shall take more Sheep for the Kings house before sheere-day, then shall be needfull, in paine to suffer as a Felon; and this paine shall be inserted in every Commission of Purveyance.

15 XXVII. Stat. 28.E.3.12. When the value of the Purveyance exceeds not 20.s. present payment shall be made for it; when it amounts to more, payment shall be made for it within one quarter of a year after, upon a certain day, and at a place convenient for the party that is to receive it.

16 XXVIII. Stat. 34.E.3.1. No Purveyance shall be hereafter made, save onely for the King, Queene, or Prince.

17 XXIX. Stat. 34.E.3.3. As concerning Purveyances for the Queene or Prince, present payment shall be made for Poultry

or

or other small things; but for other great purveyances, within a month or six weeks.

XXX. Stat. 36.E.3.2. From henceforth 18 purveyances shall be made for the King and Queenes houses onely, and no other.

XXXI. The heinous name of Purveyor shall be changed, and named Buyer.

XXXII. If the Buyer and Seller cannot agree, the goods shall be appraised by the Lords, or Bailiffes, Constables, and foure men, containing the quantity of the takings, the price, and of what persons: which takings shall be made without *dines* or compulsion, in places of plenty, and in a convenient time.

XXXIII. Purveyors shall be men of sufficiency, and shall make no Deputies; Their Commission shall be renewed every halfe yeare under the Great Seale; which none is bound to obey, unlesse they pay ready money, as well for things bought, as also for carriages.

XXXIV. Purveyance of Graine or Malt shall be taken by striked measure, according to the Standard, and no more carriages to be used for it then shall be needfull.

XXXV. If any Purveyor or Buyer offend against this Statute, he shall suffer punishment of life and member. See this Statute confirmed, 23.H.6.1.

XXXVI. Stat. 36.E.3.3. No Buyer 19 shall spare any from carriages for reward, nor charge any for hatred or evill will, in paine to

to yeeld to the party grieved treble damages, suffer two yeares imprisonment, to be ransomed at the Kings will, and to abjure the Court; and if the party grieved will not sue in this Case, any other that will, shall have the third penny of what shall be recovered.

20 XXXVII. Stat. 36.E.3.4. Commifions shall be awarded to inquire of the behaviour and acts of such Buyers.

21 XXXVIII. Stat. 36.E.3.5. None shall keep more horses of the Kings then shall be committed to him.

XXXIX. None of the King or Queenes houses shall make any Purveyor, but shall buy provision, as others do, of those which are willing to sell.

22 XL. Stat. 36.E.3.6. It is felony for any subjects servant to take any thing by way of Purveyance without the owners notice. See Stat. 7.R.2.8.

23 XLI. Stat. 1.R.2.3. Prelates shall have their actions of Trespasse against Purveyors of land, and shall also recover treble damages.

24 XLII. Stat. 20.R.2.5. None shall take away any mans horse, or other thing whatsoever, upon pretence of hastie businesse, in paine of Imprisonment, till he agree with the party grieved.

25 XLIII. Stat. 2.H.4.14. When the value of the thing taken exceeds not 40.s. the Purveyor shall make present payment for it, in paine to lose his Office, and also to pay as much

much to the party grieved.

XLIV. Stat. 1.H.5.10. No Purveyor 26
shall take any Corne by other measure then
according to eight bushels striked for the
Quarter, in paine to suffer one yeares Im-
prisonment, forfeit 5.l. to the King, and as
much to the party grieved: And the Purvey-
or shall make present payment for the carri-
age thereof; and nothing shall be taken for
the measuring of such Corne. Justices of P.
have power to heare and determine this of-
fence.

XLV. Stat. 1.H.6.2. The Statutes of 27
Purveyors shall be proclaimed quarterly by
every Sheriffe throughout his Bailiwick, in
paine to forfeit 5.l. for every time he makes
default.

XLVI. Stat. 20.H.6.8. A Purveyor 28
that takes goods, whose value exceeds not
10.s. and payes not present money for them,
may lawfully be resisted: And here the Con-
stable, Headborough or other Officer, shall
(upon request) assist the owner, in paine to
yeeld unto the said owner, the value of the
goods so taken, and double damages.

XLVII. None of the Kings Officers
shall arrest or trouble any of the Kings sub-
jects for any such resistance, in paine of 20.l.
to be divided betwixt the King and the pro-
secutor.

XLVIII. Justices of P. have power to
heare and determine the offences committed
against this Act, and, upon conviction of the
defendant, to award damages to the Plain-
tiffe.

XLIX. In

XLIX. In every Purveyors Commission this Act shall be inserted, and shall also be sent to the Sheriffs of every County to be proclaimed amongst other Statutes of Purveyors, according to the Stat. of 1.H.6.2.

29 L. Stat. 23.H.6.1,2. Every Purveyor before he receive his Commission shall be sworne in the Chancery to take nothing of the Kings subjects, contrary to the Statute of 36.E.3.2,3.

LI. The party grieved by taking, which (upon request) was not assisted by the Prayser, Towne, or Townes adjoyning, may bring his Action of Debt against the Towne, or the Purveyor, which he likes best, and shall recover the treble value of his goods so taken away, together with his costs & treble damages; And none of the Kings Officers shall trouble any of the Kings subjects for the execution of this Act, in paine to forfeit 20.l. to the party grieved, besides his costs and damages, for which he may have a Writ of Debt, in which Action no Wager of Law, Affoigne, Aide of the King, or Protection shall be allowed: And the debt, damages, and executions recovered against a Purveyor in this Case (if he hath not whereof to pay them) shall be satisfied by the Serjeant of the Cattery, unto whom a *Seize facias* shall be directed for that purpose.

LII. These Statutes shall be sent to the Just. of P. in every County, to the end they may be yearely proclaimed.

30 LIII. Stat. 23.H.6.14. All Maiors, Bailiffes,

Bailiffes, Constables, and other Officers, shall (upon request made) arrest and imprison without baile all Purveyors (except only the Kings or Queens) which take any goods or carriages from any of the Kings subjects, in paine to forfeit 20.l. to be divided betwixt the King, and the party grieved, in case he will sue for it; but if not, then betwixt the King and the prosecutor: And the party offending, being duly convicted thereof, shall yield to the party grieved the treble value of the goods so taken, and double costs, and besides shall fine to the King for the trespassse committed.

LIV. Here no Wager of Law, or the Kings Protection shall be allowed to the Defendant.

LV. This Act shall not restraine the punishment ordained against the Kings Purveyors.

LVI. Stat. 28.H.6.2. No person keeping an Hostry, Brew-house, or Victuallling, shall be a Purveyor, and all Letters Patents of Purveyance granted to such shall be void. 31

LVII. No Purveyor shall take any Horse or Cart, but by the consent of the owner, or delivery of the Maior, Sheriffe, Bailiffes, or Constable, in paine to be subject to an Action of Trespassse, wherein the party grieved shall recover treble damages.

LVIII. Stat. 27. H. 8. 24. Purveyors assigned by the Kings Commission, may provide victuall, Corne, and all other things for the houses of the King, Queene, and their Children, 32

Children, as well within Liberties as without, notwithstanding any grant to the contrary: Provided such Purveyors shall observe the Statutes for them ordained, in every behalfe.

33 LIX. Stat. 2,3.P.M 6. No Commission of Purveyance shall continue in force above six months.

LX. In every such Commission shall be inserted the proportion and number of the things to be taken, as also the Countrey or Counties where such purveyance is to be made.

LXI. To every Commission shall be annexed blanks in parchment, according to the number of the Counties into which it extends, and in every such blank shall be faire written the proportion and number of the commodities there to be taken, which shall also be subscribed by the high Constables, Constables, or other Officers, which shall be privy to the delivery of the said goods.

LXII. The Purveyor shall make writings or dockets of all things by him taken, and subscribing his name thereunto, shall deliver them to the Constables, Headboroughs, or other Officers of the places, where he takes the same things, in paine for every such default to suffer one yeares imprisonment, and to forfeit a 100. marks, to be divided betwixt the King and the prosecutor; which said dockets shall be by the said Officers delivered over to the Justices of P. at their next generall Sess. and by them certifi-

ed to the Lord Steward, Treasurer, or Comptroller of the King and Queenes houses, if such purveyance were for the house; but if for the Navy, then to the Treasurer, or Comptroller of the Navy; And all this, to the end a true answer of the Purveyors Commission may fully appeare.

LXIII. This Statute shall not give liberty to Purveyors, or their Deputies, to execute their office otherwise, then is provided and expressed in other Statutes heretofore made, upon the paines and penalties in the same former Statutes contained.

LXIV. Statutes made and provided for Purveyors, or Takers, shall also extend to their under takers, deputies and servants.

LXV. All Commissions of Purveyance shall be written in English.

LXVI. Stat. 23.P.M.15. No Purvey- 34
ance shall be made within five miles of Oxford, or Cambridge, except by the owners consent, or when the Court is within seven miles distance of the same Universities, in paine to suffer three months imprisonment without baile, and to forfeit foure times the value of the things so taken, to be divided betwixt the common Treasurers of the same Universities respectively, and the Prosecutor.

LXVII. The Chancellor, Vice-Chancellor, or their Commissary, together with two Just. of P. of the County adjoyning, have power to heare and determine this offence.

LXVIII. Stat. 13.El.21. Purveyance 35
may

may be made within five miles of Oxford and Cambridge, by licence from the Chancellor or Vice-Chancellor, under their seals of office; And by licence under the hands and seals of the said Chancellor or Vice-Chancellor, and two Just. of Peace of the Countrey adjoining, Purveyors may take vi-
suall from such, as refuse reasonably to serve the said Universities, notwithstanding the Stat. of 2.3. P.M. 15.

LXIX. This Act shall be in suspence during the Queens abode within seven miles of either of the said Universities.

S. Fish, 18. Leather, 25.

Putting out of eyes, *S. Felony, 5.*

Quarrelling, *S. Fighting.*

Quarter Sessions, *S. Justices of Peace, 12. 20.*

Rape. Ravishment.

- I. Stat. De Officio Coronatoris 3.4.E.1.
If any be Appealed of Rape, he must be attached, if the Appeale be fresh, and they must see apparent signe of truth, by effusion
of

of bloud, or an open cry made; and such shall be attached by foure or six pledges, if they may be found; but if the Appeale were without cry, or any manifest signe or token, two pledges shall be sufficient.

II. Stat. West. 2. 13. E. 1. 34. It is felony for a man to ravish a woman, although she consent after. 2

III. Stat. 6.R.2.6. Both the Ravisher, and the Ravished, (which shall consent after the fact) are disabled to have or challenge any Inheritance, Dower, or Joynt-estate, after the death of their Husband or Ancestor. 3

III. Here the Hasband, Father, or next of the blood shall have the suit, wherein the Defendant shall not be received to wage battle.

IV. Stat. 3.H.7.2. Where a woman which hath lands or goods, or is heire apparent to her Ancestor, is taken away against her will, both principall and accessaries shall suffer as felons. 4

V. Stat. 18.E.7. He that is guilty of Rape shall not have the benefit of his Clergy. 5

VI. To know a woman carnally under the age of ten yeares, shall be felony without allowance of Clergy.

VII. Stat. 39.E.9. He that takes away a woman against her will, contrary to the Statute of 3.H.7.2. together with the Accessaries before that offence committed, shall lose their benefit of Clergy. 7

Record,

Record, s. Felony, 6.

Recusants, Rome, Jesuits, Seminary Priests, &c.

- I. **I. Stat. 16.R.2.5.** If any shall purchase or pursue from the Court of Rome, or elsewhere, any translations from one Spirituall promotion to another, or any Processess, sentences of Excommunication, Bulls, Instruments, or any other thing whatsoever derogatory to the King, his Crowne, Realme, or Regalty, he and his accessaries shall incurre a *Præmunire*, viz. shall be attached by their bodies, put out of the Kings protection, forfeit to the King all their lands and goods, and if they cannot be found, processe shall be made out against them by *Præmunire facias*.
- 2 **II. Stat. 25.H.8.19.** None shall sue any Appeale from Rome, nor execute any Processe from thence, in paine that both they and their accessaries shall incurre a *Præmunire*.
- 3 **III. Stat. 28.H.8.16.** All Bulls, Breves, Faculties, and Dispensations obtained from the Bishop of Rome, shall be void, and never hereafter used or alledged in any places or Courts of this Realme, upon the pains contained in the Statute of *Præmunire*, made in 16.R.2.5.
- 4 **IV. Stat. 1.El.1.** None shall affirme

or maintaine the Power, or Jurisdiction of any forreigne Prelate or Potentate within any of the Queens dominions, in paine to forfeit all his goods and chattels; and if he be not worth 20.l. at the time of his conviction, he shall forfeit all he hath, and besides suffer one whole yeares imprisonment without baile: And here for the second offence he shall incurre a *Premunire*, and for the third shall be adjudged guilty of high Treason: But this offence must be prosecuted within one yeare after it is committed. See. 26.

V. If he be a Clergy-man, Beneficed, upon the first conviction all his Spirituall promotions shall be void.

VI. If he be imprisoned for this offence, (committed by words onely) and be not indicted for the same within six months after it is committed, he shall be set at liberty.

VII. If a Peere of the Realme happen to be guilty of this offence, he shall be tried by his Peeres.

VIII. And here for the better observance of this Law, was the oath of Supremacy established, in these words following;

I. A. B. do utterly testifie and declare in my conscience, that the Queenes Highnesse is the onely supreme Governour of this Realme, and of all other her Highnesse Dominions and Countries, as well in all Spirituall or Ecclesiasticall things or cases, as Temporall; and that no forraigne Prince, Person, Prelate, State, or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Preheminence, or Authority, Ecclesiasticall

or

or Spirituall within this Realme; and therefore I do utterly renounce and forſake all ſonaigne Jurifdictions, Powers, Superiorities, and Authorities, and do promiſe, that from henceforth I ſhall beare faith and true Allegiance to the Queenes Highneſſe, her Heires and lawfull Succeſſors, and to my power ſhall aſſiſt and defend all Jurifdictions, Priviledges, Preheminencies, and authorities, granted or belonging to the Queenes Highneſſe, her Heires and Succeſſors, or united and annexed to the Imperiall Crowne of this Realme: So help me God, and by the Contents of this Booke.

5

IX. Stat. 5. EL. 1. None ſhall maintaine the Jurisdiction of the Biſhop or See of Rome, within any of the Queenes dominions, in paine to incurre a *Premunire*.

X. Juſt. of Aſſ. and Juſtices of P. in Sell or any two of them, (1. *Qu.*) have power to heare and determine this offence; and are to certiſie ſuch preſentments into the Kings Bench within 40. dayes after they receive them, if it ſhall be then Terme time; if not, then the firſt day of the Terme then next inſuing, in paine of 100. l. The Juſtices of the Kings Bench alſo, as well upon ſuch Certificate, as alſo before themſelves, have power to heare and determine the ſame offence.

XI. None compellable to take the oath of Supremacy by this Act, or by that of 1. EL. 1. (which ſee in the Statutes at large) ſhall reſuſe to take it accordingly, in paine to incurre a *Premunire*.

XII. If any reſuſe to take the ſame Oath upon the ſecond tender, or being formerly convicted

convicted of maintaining the jurisdiction of the Bishop or See of Rome, as aforesaid, do commit the like offence the second time; in both these cases they shall suffer as in case of high Treason: But here, there shall be no corruption of Bloud, disheriting of any heire, forfeiture of Dower, or prejudice to the right of any, save onely of the offender during his life.

XIII. This Act shall be published every Qu. Seff. by the Cl. of the P. and at every Leete by the Steward there, and once every Terme in the open Hall of every Inne of Court and Chancery, at such times and by such persons as shall be appointed by the Lord Chancellor or Keeper for the time being.

XIV. None of or above the degree of a Baron shall be compellable to take this oath: And here also a Peere offending, shall be tried be his Peeres. Provided that none shall be compellable to take this oath upon a second tender, or be in danger (by the refusal thereof) to incur the penalty of high Treason, save only Clergy-men, Officers of Ecclesiasticall Courts, or such as shall not observe the Rites of Divine Service, do deprave by words or writing the Rites and Ceremonies of the Church of England, or do use to say or heare private Masse.

XV. It shall not be lawfull to slay one attainted in *Præmunire*.

S. after 26.

K

XVI. Stat.

6 XVI. Stat. 13.El.2. It shall be high Treason to obtaine or put in ure any Bull of Absolution, or reconciliation from the Bishop of Rome, or to absolve or be absolved thereby.

XVII. The comforters and maintainers of such offenders shall incurre a *Premunire*, and their concealers misprision of Treason, unlesse within six weeks they discover them to some of the Privy Councell, or to one of the Presidents or Vice-Presidents of the Councils established in the North, or Marches of Wales.

XVIII. If any shall bring into any of the Queens Dominions any *Agnus Dei*, Crosses, Pictures, Beads, or any such vaine or superstitious thing, or deliver, or offer the same to any person to be used; both the person so doing, and the person so receiving the same shall incurre a *Premunire*; howbeit, if the party unto whom tender thereof shall be made, apprehend the party tendring the same, and carry him before the next Just. of P. or not being able so to do, within three dayes after discloseth his name, and the place of his abode, or resort unto the Ordinary, or some Justice of P. within the same County; or having received the same, doth within one day after deliver it to some such Justice of Peace, then shall he not incurre any prejudice by reason of this Act.

XIX. A Just. of P. shall disclose the offences aforesaid to the Privy Councell within 14. dayes after he shall have notice of them,

them, in paine to incurre a *Premunire*.

XX. Here the triall of a Nobleman shall be by Peeres.

See after 26.

7

XXI. *Stat. 23. El. 1.* It shall be high Treason to have, or pretend to have power, or to put in practise to absolve, perswade, or withdraw any within the Queenes dominions from their naturall obedience to her Majesty, or to withdraw them for that intent from the Religion now established, to the Romish Religion: And them also, which shall be willingly so withdrawne or reconciled, as aforesaid, and their procurers and counsellors thereunto, shall be adjudged guilty of the same offence.

XXII. If any having notice of the said offences, do not discover them within 20. dayes to some Just. of P. or other such Officer, he shall be adjudged guilty of misprision of Treason.

XXIII. None shall say or sing Masse, in paine to forfeit 200. marks, to suffer one yeares imprisonment, and not to be enlarged thence till that fine be paid; And none shall heare Masse, in paine of one whole yeares imprisonment, and 100. marks.

XXIV. Every person not repairing to Church, according to the *Stat. of 1. El. 2.* (*which see in Sacraments 24.*) shall forfeit 20. l. for every month they so make default: and if they so forbear by the space of twelve months, after certificate thereof made by the Ordinary into the Kings Bench; a Justice of

Affise, G. D. or Peace of the Countrey where they dwell, shall binde them with two sufficient sureties in 200.l. at least, to the good behaviour, from which they shall not be released, untill they shall repaire to Church according to the said Statute.

XXV. None shall keep a Schoolemaster which absents himselfe from Church, or is not allowed by the Bishop or Ordinary, in paine of ten pounds for every month he so keeps him: And such Schoolemaster shall be for ever after disabled to teach youth, and shall suffer one whole yeares imprisonment without baile.

XXVI. The offences against this Act, and the Acts of the first, fifth, and thirteenth years of the Queens Reigne, touching the acknowledging of her Supream government in causes Ecclesiasticall, the service of God, coming to Church, or establishment of true Religion within this Realme, shall be inquirable before Justices of Oyer and Term. Affise, G. D. and P. in their circuits and Sess. within one yeare and a day after every such offence committed, except Treason, and misprision of treason.

XXVII. Provided, that any of the offenders aforesaid, which shall before judgment submit and conforme themselves to the Bishop of the Diocesse, or in open Affise or Sessions shall be discharged of every the offences aforesaid, (except Treason, and misprision of Treason) and of all paines and penalties incurred for the same.

XXVIII. Of

XXVIII. Of the forfeitures abovesaid, two third parts the Queene shall have, one to her own use, the other for reliefe of the poore in the Parish where the offence is committed, to be delivered without further warrant then of the principall Officers of the Receit of the Exchequer, and the other third part the prosecutor shall have: And here the offender that is not able to pay the forfeitures, or doth not pay them within three months after judgement, shall be committed to prison, and there remaine untill he have satisfied them, or shall conforme himselfe to go to Church.

XXIX. They that have on Sundayes the Divine Service established usually read in their houses, and are commonly present themselves thereat, and do not obstinately refuse to come to Church, but foure times in the yeare (at least) are present at Divine Service in their own Parish Church, or some other open Church, or Chappell of ease, shall not incurre the penalty aforesaid, for not coming to Church.

XXX. All covinous Grants to defraud the interest which the Queen, or any other person may claime, by vertue of this Act, or of 13. El. 2. shall be adjudged void.

XXXI. If a Peere of the Realme happen to be indicted for any offence, made Treason, or misprision of Treason by this Act, he shall be tried by his Peeres.

XXXII. This Act shall not abridge the Jurisdiction of Ecclesiasticall Censures.

8 XXXIII. Stat. 27. El. 2. All Jesuits, Seminary Priests, and other Ecclesiasticall persons, borne within any of the Queens dominions, and ordained or made such by the pretended Jurisdiction of the See of Rome, which come into, or remaine in any of the said Dominions, shall be adjudged guilty of high Treason; And their receivers, ayders, and maintainers, (knowing them to be such, and at liberty) shall be adjudged Felons, without benefit of Clergy.

XXXIV. All others, brought up in Seminaries beyond Sea, and not as yet in Orders, as aforesaid, which do not, within six months after Proclamation made in London, (in that behalfe) returne into this Realme, and within two dayes after such returne, before the Bishop of the Diocesse, or two Just. of P. of the County where they shall arrive, submit themselves to the Queen and her Laws, and take the Oath of Supremacy, shall also bee adjudged guilty of high Treason.

XXXV. They which give or send reliefe to any such Ecclesiasticall person, or Seminary, or to any brought up there, as aforesaid, shall incurre a *Premunire*.

XXXVI. These offences shall be heard and determined in the Kings Bench, or in any County, where they shall be committed, or the offender taken.

XXXVII. This Act shall not extend to any Jesuit, or other Ecclesiasticall person aforesaid, which within three dayes after his

his arrivall shall submit himfelfe to some Arch-bishop, Bishop, or to some Just. of P. of the Countrey where he lands, and there take the Oath of Supremacy, and under his hand acknowledge to continue in due obedience to her Majesties Laws.

XXXIX. Here the triall of a Peere shall be by his Peeres.

XL. If any, knowing a Jesuit or Priest to remain within any of the Queens dominions, do not within twelve dayes discover the same to some Just. of P. he shall make fine, and suffer imprisonment during the Queens pleasure; And the Just. of P. which doth not within 28. dayes after disclose it to some of the Privy Councell, or to the President, or Vice-President of the Councells in the North, or Marches of Wales, shall forfeit 200. Marks; And such of those Councells, to whom that information shall be made, shall deliver a writing under their hands unto the party informing, testifying, that such information was made unto them.

XLI. All Oaths, Bonds, and submissions, as aforesaid, shall within three months be certified into the Chancery by the parties before whom they are taken, in pain of 100. l.

KLII. None having submitted, as aforesaid, shall within ten yeeres after come within ten miles of the Court, in paine to lose the benefit of such submission.

XLIII. Stat. 19. El. 6. All Grants, Incumbrances, or Limitations of use made by any person not repairing to the Church,

(according to the *Stat.* of 23.*El.*1.) which are revokeable by the offender, intended for his maintenance, left at his disposition, or in consideration whereof he and his family are to be kept, shall be utterly void against the Queen, as to hinder the levying of the forfeitures for not coming to Church, or saying, hearing, or being at Masse, or the making of seifures for the same purpose.

XLIV. Every conviction for any offence before mentioned, shall be in the Kings Bench, or at the Assises or G. D. and not elsewhere; and shall by the Justices there be certified into the Exchequer before the end of the terme then next following. 82.

XLV. The Queene may seife all the goods, and two third parts of the lands and Leases of every offender not repairing to Church, as aforesaid, which after their first conviction do not pay into the Exchequer, in such of the Termes of Easter and Michaelmasse, as shall happen next after such conviction, the summe then due for the forfeiture of 20.l. a month, and yearly after that, (in the same Termes) according to the rate of 20.l. a month, for so long time as they shall forbear to come to Church, according to the said Statute of 23.*E.*1. *vide infra*, 71, 72, 73, 83.

XLVI. An Indictment against such an offender shall be sufficient, although no mention be therein made that the party is within the Realme.

XLVII. When an Indictment is found against

against such an offender, Proclamation shall be made, that he shall render himselfe into the Sheriffes hands before the next Ass. or G. D. which if he do not, that neglect shall be as sufficient a conviction, as if upon the same Indictment a triall by verdict had proceeded.

XLVIII. But here upon the offenders submission (according to the said *Stat.* of 23.*El.*) or death, no forfeiture shall insue, save onely the arrerages due at the time of such submission or death.

XLIX. The Lord Treasurer, Chancellor, and chiefe Baron, or any two of them, shall assigne a third part of the forfeitures of 20.*l.* a month, for the reliefe and maintenance of the poore, houses of Correction, and maymed souldiers.

L. This Act shall not extend to Grants *Bona fide*, nor to continue any seisure after the death of the offender, in such lands, wherein he had only an estate for life, or in the right of his wife.

LI. *Stat.* 33.*El.* 1. If any above sixteen years of age, shall be convicted to have (without any just cause) absented themselves above a month from Church, impugne the Queenes authority in causes Ecclesiasticall, or frequented Conventicles, or perswaded others so to do, under pretence of exercise of Religion, they shall be committed to prison, and there remaine, till they shall conformance themselves, and make such open submission, as hereafter shall be prescribed: And if

within three months after such conviction they refuse to conforme and submit themselves, being thereunto required by a Just. of P. they shall in open Ass. or Sess. abjure the Realme; and if such abjuration happen to be before Just. of P. in Sess. they shall make certificate thereof at the next Ass. or Gaole delivery.

LII. If such an offender refuse to abjure, or go away accordingly, or do returne without the Queens licence, he shall be adjudged a felon, and shall not enjoy the benefit of Clergy; but if before he be required to abjure, he make his submission, the penalties aforesaid shall not be inflicted upon him.

LIII. The forme of the submission is as followeth;

I A. B. do humbly confesse and acknowledge, that I have grievously offended God, in contemning her Majesties godly and lawfull Government and authority, by absenting my selfe from Church, and from hearing Divine Service, contrary to the godly Statutes and Lawes of this Realme, and in using and frequenting disordred and unlawfull Conventicles and Assemblies, under pretence of exercise of Religion: And I am heartily sorry for the same, and do acknowledge and testifie in my conscience, that no other person hath, or ought to have any power or authority over her Majesty: And I do promise and protest, without any dissimulation, or any colour or meanes of any dispensation, that from henceforth I will from time to time obey and performe her Majesties Lawes and Statutes, in repairing to the Church, and hearing
Divine

Divine Service, and do my uttermost endeavour to maintaine and defend the same.

LIV. The Minister of the Parish, where the submission is made, shall presently enter the same in a Book, and within ten dayes after certifie it to the Bishop of the Diocesse.

LV. The offender that after such submission falleth into a relapse, shall take no benefit thereby.

LVI. The forfeitures of this Act, and of 23.El.1. may be recovered by Action of debt.

LVII. The third part of the penalties which accrue by this Act, shall be bestowed as those of 29.El.6.

LVIII. A Feme Covert shall not be compelled to abjure, but any other offender that abjures, or (being required) refuseth so to do, shall forfeit all his goods, and his lands during life: howbeit here shall be no corruption of blood, losse of Dower, or disherison of heire.

LIX. Stat. 35.El.2. Recusants above sixteen yeares of age, shall within forty dayes after their conviction, repaire to their usuall dwelling, and not remove above five miles from thence, in paine to forfeit all their goods, and their lands and annuities during life: And if they have no certain abode, then are they to repaire to the place where they were borne, or where their father or mother dwels, and within twenty dayes after their arrivall, there to give their names in writing to the Minister, Const. and H. B. which Minister is to enter them in a Book, to be kept
for

II:

for that purpose, and he, together with the said Const. and Head Boroughs, is to certify the same to the next Qu. Sess. where the Just. of Peace shall cause them to be enrolled.

LX. A Copyholder also shall in this case forfeit his estate during life, if his estate continue so long, to the Lord of the Mannor if he be no Recusant convict, nor seised or possessed in trust to the use of a Recusant; for then the Queene shall have the forfeiture.

LXI. A Popish Recusant (being no *Feme Covert*, nor having lands worth 20. Marks *per annum*, or goods worth 40. l.) which within the time above limited, doth not repaire to the place of his abode, or doth depart above five miles thence, or within three months after his arrivall there, doth not make the submission hereafter following, (being required so to do by the Bishop, a Just. of P. or the Minister there) shall before two Justices of the Peace, or the Coroner, abjure the Kingdome; which abjuration shall be by the said Justices or Coroner certified in at the next Assises, or G. D.

LXII. If such Popish Recusant depart not the Realme, within the time limited by the said Justices or Coroner, or returne without the Queens licence, he shall be adjudged a felon without Clergy.

LXIII. A Jesuit or Priest refusing to answer, shall be committed to prison, and there remaine, till he will answer the questions whereupon he was before examined.

LXIV. This

LXIV. This Act shall not reſtraine a Recuſant (urged by Proceſſe or ſummons without fraud) to travell without the aboveſaid limits, ſo he returne againe in convenient time, neither him that is compelled to render his body to the Sheriffe.

LXV. If ſuch an offender before conviction, upon a Sunday, or ſome Feſtivall day, repaire to Church, and there heare Divine Service, and before the Goſpell make the confeſſion following, he ſhall be diſcharged of the penalties inflicted by this Act.

LXVI. The confeſſion is this :

I A. B. do humbly confeſſe and acknowledge, that I have grievouſly offended God, in contemning her Majesties godly and lawfull government and Authority, by abſenting my ſelfe from Church, and from hearing Divine Service, contrary to the godly Lawes and Statutes of this Rea'lme; and I am heartily ſorry for the ſame, and do acknowledge and teſtiſie in my conſcience, that the Biſhop and See of Rome, hath not, nor ought to have any power or authority over her Maſteſty, or within any of her Maſteſties Realmes or Dominions: And I do promiſe and proteſt without any diſſimulation, or any colour or meanes of any Diſpenſation, that from henceforth I will from time to time, obey and performe her Maſteſties Lawes and Statutes, in repairing to the Church, and hearing Divine Service, and do my utermoſt endeavour to maintaine and defend the ſame.

LXVII. The Miniſter of the Pariſh where ſuch ſubmiſſion is made, ſhall preſently enter the ſame in a book, and within ten dayes after,

after, certifie it to the Bishop of the Diocesse.

LXVIII. The offender that after such submission, falleth into a relapse, shall take no benefit thereby.

LXIX. Every married woman shall be bound by this Act, save only by the clause of Abjuration.

12 LXX. Stat. 1. Jac. 4. All the aforesaid Statutes made in the time of Queene *Eliz.* shall be duely put in execution, against all such as do not conforme themselves, as aforesaid.

LXXI. Where the Ancestor dies a Recusant, the heire being none, or conforming himselfe, and taking the Oath of Supremacy before the Archbishop or Bishop of the Diocesse, the lands shall be freed from all penalties.

LXXII. If an heire (within age) after he shall have accomplished the age of 16. years, doth still continue a Recusant, his lands shall not be freed, untill he do conforme, and take the Oath of Supremacy, as aforesaid.

LXXIII. A third part of every Recusants lands, shall remaine cleere unto him from seisure or extent, and the other two parts shall remaine in the Kings hands, (both before and after the Recusants death) untill the King shall be fully satisfied all the arrerages for the 20. l. a month, according to 23. *El.* 1.

LXXIV. None shall send any child, or other person, under their government, beyond the

the Seas, to be instructed in the Popish Religion, in paine of 100.l. and they which are so sent, shall be incapable (as to themselves only) of any grant or Inheritance due unto them, or to others for their use.

LXXV. If a woman or child under the age of 21. yeares, be suffered to passe the Seas, without the licence of the King, or of six of the Privy Councell, under their hands, (except Saylors, Ship-boyes, or Merchants, Factors, or Apprentices) the Officers of the Port shall forfeit their Offices, and all their goods; the Owner of the Ship, his Ship and Tackle; and the Master of the Ship, all his goods, and besides, shall suffer a yeares imprisonment without Baile. 119.

LXXVI. None out of the Universities shal keep Schoole, (except a Free Schoole, or in some persons house that is no Recusant, or by licence of the Bishop or Ordinary) in paine to forfeit 40. s. a day.

LXXVII. The forfeitures of this Act shall be divided betwixt the King and the Prosecutor.

LXXVIII. Stat: 3. Jac. 4. A Recusant 13 that conformes, shall within one yeare after, and so once every yeare (at least) receive the blessed Sacrament; in paine to forfeit for the first yeare 20.l. for the second 40.l. and for every default after 60.l. and if after he hath received it, he make default therein by the space of a whole yeare, he shall forfeit 60.l.

LXXIX. These forfeitures may be recovered

covered before Just. of P. in Sess. or in any other Court of record, and are to be divided betwixt the King and the prosecutor.

LXXX. The Church-wardens and Constables of every Parish, or one of them, or if there be none such, then the High Constable of the Hundred there, shall present once every year at the Generall Sessions of Peace, the monethly absence from Church of every Popish Recusant, and their children, being above the age of nine years, and their servants, together with the age of their children; as neer as they can know them, in pain to forfeit respectively for every such default 20. s. which presentment the Clerk of the Peace, or Town Clerk, shall record without fee, in pain of 40. s.

LXXXI. If upon such presentment (being the first) the Recusant be convicted, the Officer that presents him shall have 40. s. to be levied by warrant upon the Recusants goods and estate, as the more part of the Justices of Peace shall think fit.

LXXXII. Just. of Ass. G. D. and P. have power to heare & determin of all Recusants & offences, as well for not receiving the Sacrament, according to this Act, as also for not coming to Church, according to former laws. And likewise to make proclamation, that they shall render themselves to the Sheriffe, or Bailiffe of the Liberty where they are, before the next Ass. G. D. or Sess. respectively; which if they do not, that default, being recorded, shall be taken for as sufficient a conviction.

conviction of them as a tryall by verdict.

LXXXIII. Every offender not repairing to Church, as aforeſaid, after their firſt conviction, ſhall pay into the Exchequer, in ſuch of the Terms of Eaſter and Michaelmas as ſhall happen next after ſuch conviction, the ſumme then due for the forfeiture of 20. l. a moneth, and yeerly after that (in the ſame Terms) according to the rate of 20. l. a moneth; except where the King ſhall be pleaſed to take two third parts of their lands and leaſes in lieu thereof; or that they conform themſelves, and come to Church.

LXXXIV. Every conviction ſhall, before the end of the Term next following, be certified into the Exchequer in ſuch convenient certainty, that the Court may thereupon award Proceſſe for the ſeiſure of all the offenders goods, and two parts of his lands and leaſes, in caſe the 20. l. a moneth be not paid, as aforeſaid.

LXXXV. The King may reſuſe 20. l. a moneth, and take two third parts of the Recuſants lands and leaſes; but here he ſhall not include the Recuſants Manſion houſe, nor demife his two parts to a Recuſant, or to any other for a Recuſants uſe. And the Kings leſſee for his two parts ſhall give ſuch ſecurity againſt committing of waſte, as by the Couſt of Exchequer ſhall be thought ſufficient.

LXXXVI. It ſhall be lawfull for the Biſhop of the Dioceſſe, or two Juſtices of P. (one *Quorum*) out of Seſſ. to tender the Oath

Oath hereafter following to any person eighteen yeers old, or above, (except noble men and noble women) which stands convicted or indicted of Recusancy; hath not received the Sacrament twice in the yeer next before; or passing thorow the Countrey, and examined upon oath, confesseth, or (at least) denyeth not, that he or she is a Recusant, or that he or shee hath not received the Sacrament twice in the yeer next before; which Bishop or Justices shall certifie the name and dwelling of the person so taking the same Oath, at the next generall Sess. where the Clerk of the P. or Town Clerk shall record them.

LXXXVII. If the parties refuse to answer upon oath, or to take the Oath aforesaid, tendered unto them, the Bishop or Justices aforesaid shall bind them over to the next Ass. or Sess. where if they again refuse it, they shall incurre a *Premium*, except women covert, who in that case shall only suffer imprisonment till they take it.

LXXXVIII. The tenour of the Oath is as followeth:

I A. B. doe truly and sincerely acknowledge, professe, testifie, and declare in my conscience, before God and the world, That our Sovereigne Lord King James, is lawfull and rightfull King of this Realme, and of all other his Majesties Dominions and Countries: And, That the Pope, neither of himselfe, nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power, or authority to depose

depoſe the King, or to diſpoſe of any of his Majeſties Kingdomes or Dominions, or to authorize any ſorran Prince to invade or annoy him or his Countries, or to diſcharge any of his ſubjects of their allegiance and obedience to his Majeſtie, or to give licence or leave to any of them to beare armes, raiſe tumult, or to offer any violence or hurt to his Majeſties Royall perſon, ſtate, or government, or to any of his Majeſties ſubjects within his Majeſties Dominions.

Alſo, I doe ſwear from my heart, That notwithstanding any declaration, or ſentence of excommunication, or deprivation made or granted, or to be made or granted by the Pope, or his ſucceſſors, or by any authority derived, or pretended to be derived from him or his See, againſt the ſaid King, his heires or ſucceſſors, or any abſolution of the ſaid ſubjects from their obedience, I will beare faith and true allegiance to his Majeſtie, his heires and ſucceſſors, and him or them will defend, to the uttermoſt of my power, againſt all conſpiracies and attempts whatſoever which ſhall be made againſt him or their perſons, their crowne and dignity, by reaſon or colour of any ſuch ſentence or declaration, or otherwiſe; and will do my beſt endeavour to diſcloſe and make knowne unto his Majeſty, his heires and ſucceſſors, all treaſons and traiterous conſpiracies which I ſhall know or beare of, to be againſt him or any of them.

And I doe further ſwear, That I doe from my heart abhor, deteſt, and abjure, as impious and hereticall, this damnable doctrine and poſition, That Princes which be excommunicated or deprived by the Pope, may be depoſed or murdered by
their

their subjects, or any other whatsoever.

And I do beleve, and in my conscience am resolved, That neither the Pope, nor any person whatsoever, hath power to absolve mee of this Oath, or any part thereof, which I acknowledge by good and full authority to be lawfully ministred unto mee, and doe renounce all pardons and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear, according to these expresse words by mee spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, or mentall evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgement heartily, willingly, and truly, upon the true faith of a Christian. So help me God.

LXXXIX. Unto this Oath the party taking it shall subscribe his name or mark.

XC. No indictment against a Recusant shall be reversed for lack of form, other then by direct Traverse to the point of not coming to Church, or not receiving the Sacrament, as aforesaid.

XCI. The party conforming himself shall from thenceforth be admitted to discharge or reverse an indictment.

XCII. None shall go out of this Realm to serve any forreign Prince or State, without first taking the Oath aforesaid, in pain to be adjudged a felon. And if hee hath borne office amongst souldiers before his departure out of the Realme, hee shall enter into bond unto the Kings use, with the condition following,

following, upon the like pain of being adjudged a felon.

XCIII. The condition is this :

That if the within bounden, &c. shall not at any time then after be reconciled to the Pope or See of Rome ; nor shall enter into, nor consent unto any practice, plot, or conspiracie whatsoever against the Kings Majestie, his beires and successors, or any his or their estate and estates, Realms or Dominions : but shall within convenient time after knowledge thereof had, reveale and disclose to the Kings Majesty, his beires and successors, or some of the Lords of his or their honourable privie Councell, all such practices, plots, and conspiracies : That then the said Obligation to be void.

XCIV. None but the Customer and Controller of a Port, or their Deputies, shall have power to take such bond, or to minister the Oath in such case ; for which bond they shall only take 6. d. and nothing for the Oath : And shall once every yeer certifie into the Exchequer every such bond, in paine of 5. l. and every such Oath, in pain of 20. s.

XCV. To absolve or withdraw any of the Kings Subjects from their naturall obedience to his Majesty, to reconcile them to the Pope or See of Rome, or to move them to promise obedience to any pretended authority of the See of Rome, or to any other Prince or State : Or to be absolved, withdrawn, reconciled, or to make promise, as aforesaid, shall be adjudged high Treason.

XCVI. This last clause shall not extend

to

to any reconciled, as aforesaid, (for and touching the point of so being reconciled only) that shall returne into this Realme, and within six dayes after, before the Bishop of the Diocesse, or two Justices of P. (jointly or severally) of the County where hee shall arrive, submit himselfe to the King and his lawes, and take the Oath of Supremacie, and also the Oath abovesaid; which said Oathes the said Bishop and Justices respectively, shall by this Act have power to minister to such persons, and shall certifie them in at the next generall Sess. in paine of 40. li.

XC VII. Here the tryall of Treason shall be before Justices of Ass. and G. D. of that County for the time being; and may also be before the Justices of the Kings Bench: But Peers in this case shall be tryed by their Peers.

XC VIII. If any person repaireth not every Sunday to some Church or Chappel, proof thereof being made to a Justice of P. by the parties owne confession, or the evidence of one witnesse; the same Justice hath power to call the party before him; and if the party give not the Justice a good reason of his absence, the Justice may give warrant to the Church-warden of the parish under his hand and seale, to levie xii. d. for every such default, by distresse and sale of goods; and in default of distresse, the Justice may commit the offender to prison, untill he pay the forfeiture aforesaid, which shall be employed

played for the use of the poore : But this offence must be prosecuted within one moneth after it is committed, and none punished by this Law, shall also be punished by the forfeiture of 12. d. upon the Statute of 1.El.2. which see in *Sacraments* 24.

XCIX. None shall keep or retaine any person in their house, (servant or other) which shall forbear to come to Church by the space of a month together, in paine to forfeit 10. l. for every month they so keep them : Howbeit Children may relieve their Father, or Mother; and Guardians their Wards or Pupils.

C. The Sheriffe, upon a lawfull Writ, may justifie to breake a house, for the taking of a Recusant Excommunicate.

CI. The Justices of the Kings Bench, and Justices of Ass. and G. D. may heare and determine all the offences committed against this Act; and so may Justices of P. all save *Treason*.

CII. The offences made felony by this Act, shall not cause losse of Dower, corruption of blood, or disherison of heire.

CIII. Here, if an action shall be brought against an Officer for the execution of this Act, he may plead the Generall Issue, and yet give speciall matter in evidence.

CIV. This Act shall not abridge the Jurisdiction of Ecclesiasticall Censures.

CV. None shall be punished for his wives offence, neither shall any married woman be chargeable with any penalty or forfeiture

feiture by force of this Act.

CVI. Six of the Privy Councell (whereof the Lord Chancellor, Lord Treasurer, or Principall Secretary shall be one) have power to minister the Oaths abovesaid to Noblemen (being 18. yeares old) and to Noblewomen also of like age and unmarried, who shall take the same Oaths accordingly, in paine to incurre a *Premunire*. *Vide infra*, 128.

CVII. The Warden of the Cinque Ports, or some authorized by him, shall take the bond, and minister the Oath aforesaid, where any person passeth beyond Sea, out of them or any of their members.

14 CVIII. Stat. 3. Jac. 5. The person that within three dayes notice shall discover to a Just. of P. any that entertaines a Popish Priest, or any which have heard or said Masse, shall have a third part of the forfeiture due for the same offences, if the whole exceed not 150.l. and then onely 50.l. thereof to be delivered unto him by the Sheriffe or other Officer, which shall have power to levie the same.

CIX. No convicted Recusant shall come into the Court, without command from the King, or warrant from the Privy Councell under their hands, in paine of 100.l. to be divided betwixt the King and the Discoverer.

CX. A Popish Recusant convicted, or indicted, or any person not coming to Church by the space of 3. months together, which remains in London, or within ten miles distance

distance thereof, shall within ten dayes after such conviction or Indictment depart from thence, and also shall deliver their names (in London) to the Lord Maior there, and (in the Country) to the next Just. of P. in pain of 100.l. to be divided betwixt the King and the prosecutor : Howbeit this clause shall not extend to Tradesmen, or such as have no other habitation then in London, or within ten miles distance, as aforesaid.

CXI. It shall be lawfull for a Recusant to go about his necessary occasions, as farre as a license (obtained from the King, or from three of the Privy Councell under their hands, or foure of the next Justices of Peace, under their hands and scales, with the assent in writing of the Bishop, Lieutenant, or any deputy Lieutenant of the same County) shall give him leave, notwithstanding the *Statute* of 35.*EL.*2. which licence shall not be granted by the said Justices, till the party hath made oath of the true reason of his journey, and that he will make no causelesse staves.

CXII. No convicted Recusant shall practise the Common Law, Civill Law, Physick, or Art of Apothecary or be an Officer of or in any Court, or beare any Office amongst souldiers, or in a Ship, Castle, or Fortresse, in paine of 100.l. to be divided betwixt the King and the prosecutor. 130.

CXIII. No Popish Recusant convict, or whose wife is a Recusant convict, shall exercise any publique Office in the Commonwealth by himselfe, or his deputy, unlesse he

L

bring

bring up his children in the true Religion, & together with his children & servants, repaire to the Church, and receive the Sacrament at such times as by the Law are limited. 13c.

CXIV. A married woman being a Popish Recusant convict, (her husband being none) that doth not conforme her selfe, as aforesaid, by the space of one whole yeare, before her husbands death, shall forfeit two third parts of her Dower or Joynture, and shall be incapable of being Executrix or Administratrix to her husband, and of enjoying any part of her husbands goods.

CXV. A Popish Recusant after conviction shall be reputed to all intents, as a person excommunicate, untill he shall conforme, go to Church, receive the Sacrament, and take the Oath of obedience, ordained by 3. *Jac.* 4. Howbeit he may sue for his interest in lands not seised into the Kings hands.

CXVI. A Popish Recusant convict, which is married otherwise then in open Church, and by a lawfull Minister, according to the Orders of the Church of England, shall not be tenant by the Courtesie; And a woman (in this case) shall be disabled to enjoy her Dower, Joynture, Widowes estate, or any of her husbands goods: And where the man cannot be tenant by the Courtesie, he shall forfeit 100. l. to be divided betwixt the King and the prosecutor.

CXVII. Every Popish Recusant shall within one month after the birth of his childe,

child, cause it to be baptized by a lawfull Minister, in pain to forfeit 100. l. if he outlive the moneth; if not, then his wife is to pay the same forfeiture, which shall be divided into three parts, whereof the King shall have one, the prosecutor another, and the poor of the parish the third.

CXVIII. Every Popish Recusant shall be buried in the Church or Church-yard, and according to the Ecclesiasticall lawes of this Realm, in pain that his executor or administrator, or the party that caused him to be otherwise buried, shall forfeit 20. l. to be divided into three parts, and disposed as aforesaid.

CXIX. A child (being no Souldier, Mariner, Merchant, or Apprentice, or Factor to a Merchant) shall not be sent or go beyond sea, without the licence of the King, or of six of the privie Councell (whereof the principall Secretary shall be one) in pain to be thereby incapable to enjoy any lands or goods by descent or grant, untill, being eighteen yeers of age or above, he take the said oath of Obedience before some Justice of Peace of the County where his parents doe, or did dwell: And in the mean time, the next of his kin (being no Popish Recusant) shall enjoy the lands and goods; but shall be accountable to the other, in case he after conform himself, as aforesaid. And he that so goes out of the kingdome without licence, shall forfeit 100. l. to be divided and imployed as aforesaid.

CXX. A Popish Recusant convict, shall be disabled to present to a Benefice, or to grant any avoydance of a Benefice; but in stead of him, the Chancellor and Scholers of the Universities of Oxford or Cambridge shall present within severall Counties respectively; *for which see the Statute at large.* Howbeit, they shall not conferre it upon a man already Beneficed.

CXXI. A Popish Recusant shall not be an Executor, Administrator or Guardian; but the next of the kin (being no Recusant; and unto whom the land cannot lawfully descend) shall have the wardship and tuition of an heir or orphan in that case.

CXXII. A grant of the Kings Ward to a Popish Recusant convict shall be void.

CXXIII. None shall bring from beyond sea, print, sell, or buy any Popish Primers, Ladies Psalters, Manuals, Rosaries, Popish Catechismes, Missals, Breviaries, Portals, Legends or lives of saints, in what language soever they shall be printed or written; nor any other superstitious books printed or written in the English tongue, in pain to forfeit xl.s. for every such book, to be divided into three parts, and imployed, as aforesaid.

CXXIV. Two Justices of Peace, and all Majors, Bailiffes, and head Officers, have power to search the houses and lodgings of Popish Recusants convict, and of every person whose wife is a Popish Recusant convict, for Popish books and reliques, and to burn
or

or deface such as they shall finde in their custodie ; but such as are of value shall be defaced in open Sess. and afterwards restored to the owner.

CXXV. All the Armour, Gunpowder, and Munition of a Popish Recusant convict, shall be taken from him by warrant from foure Justices of Peace at the generall Sess. (other then such weapons as shall be allowed unto him by the same Justices) which said Armour and Munition shall be kept at the costs of such Recusant, in such places where the said Justices shall appoint, and shewed at every Muster as his armes, together with his horse which hee shall buy, provide, and maintain for that purpose, according to his ability, as other subjects do. And here, the Recusant that refuseth to declare what armour or munition he hath, or to deliver it to such persons as shall have power to sease it, shall forfeit the same to the King ; and besides, shall upon warrant from any Just. of Peace of that County, be imprisoned by the space of three moneths without baile.

CXXVI. This Act shall not abridge Ecclesiasticall censures.

CXXVII. Stat. 7. Ja. 6. Who shall take the oath of Obedience : by whom it shall be ministred : and within what time.

15

CXXVIII. It shall be lawfull for any of the privie Councell, or any Bishop within his Dioceffe to require a Baron or Baronesse of eighteen yeers of age or above, to take

the said Oath : And likewise for any two Justices of Peace (one *Quorum*) to require any person of the age aforesaid, or above, and under the degrees aforesaid, to take the same Oath.

CXXIX. If any Baron or Baronesse stand presented, indicted, or convicted for Recusancy, three of the privie Councill (whereof the Chancellor, Treasurer, Lord privie Seal, or principall Secretary shall be one) shall minister unto them the said Oath. But if it be any other convicted person under those degrees, or if the Minister, petty Constables, and Church-wardens of any parish, or any two of them, shall complain to any Justice of Peace of any person suspected for Recusancy ; then any such Justice may in either of these cases minister the said Oath, and upon refusal, shall commit the party to prison, there to remain till the next Ass. or Sess. where, if he again refuse to take it, hee shall incurre a *Premunire* ; except women covert, who shall only be imprisoned, and there remain without baile, till they shall take the said Oath.

CXXX. None refusing the said Oath shall be capable of any office of Judicature, or other office (being no office of inheritance or ministeriall function,) or to practise the common Law, the civill Law, Physick, Surgery, the art of Apothecary, or any liberall science for gain.

CXXXI. If a married woman, being a convicted

convicted Recufant, doe not conform within three moneths after conviction, ſhe ſhall be committed to priſon by a privie Councellor or the Biſhop of the Dioceſſe, if ſhe be a Baroneſſe : but if any other of a lower degree, then ſhall ſhe be committed by two Juſtices of P. (one *Quorum*) and there ſhall remain till ſhe conforme, as aforeſaid, unleſſe the husband (for his wives offence) will pay unto the King x.l. for every moneth, or yeeld the third part of all his lands, at the choice of the ſaid husband.

CXXXII. None ſhall goe himſelfe, or ſend any perſon whatſoever beyond ſea, to be trained up in Popery, or any maintenance or reliefe to the party ſo ſent, or to any School or Religious houſe there, in paine (after conviction thereof) to be adjudged unable to proſecute any ſuite in any Court of equity, to be committee of any Ward, executor or adminiſtrator ; to be incapable of any legacy or deed of gift, or of bearing Office within this Realme : and beſides, to forfeit all his goods and chattels, and his lands alſo during life. But if hee conforme within fix weeks after his return, according to the Statutes in that caſe provided, he ſhall not incurre the penalties aforeſaid.

CXXXIII. Theſe offences ſhall be heard and determined by the Juſtices of the Kings Bench, Aſſiſe, Gaol delivery, and Oyer and Termin. of ſuch Counties where the offenders did laſt dwell, or whence they

departed, or where they shall be taken.

See Actions popular, 18.

Regrators, *See* Forestallers. Vi-
ctuell, 2.

Riots, Routs, and unlawfull As-
semblies.

I. *Stat.* 17. R. 2. 8. The Sheriffes, and
all other the Kings Officers, shall suppress
Riotors, and imprison them, and all other
offending against the peace.

2 II. *Stat.* 13. H. 4. 7. The Justices of
Peace, or two of them (at least,) together
with the Sheriffe or under-Sheriffe, shall
by the power of the County suppress Ri-
ots, Routs, and unlawfull assemblies, arrest
the offenders, and record what shall be
done : By which record of the said Justi-
ces, and Sheriffe or under-Sheriffe, the of-
fenders shall stand convict, as by the *Stat.*
of 15. R. 2. 2. *in case of forcible Entries* : And if
the offenders be departed, the said Justices
and Sheriffe or under-Sheriffe shall within
a moneth after make enquiry thereof, and
heare and determine the same according to
law. *See Force, 2.*

III. If upon such inquiry the truth can-
not be discovered in manner aforesaid ; then
shall the said Officers, within one moneth
after such inquiry, certifie the fact, toge-
ther with the circumstances thereof, unto the
King

King and his Councell ; which certificate of theirs shall be in the nature of a presentment by twelve, whereupon the offenders shall be brought to answer, and those that be found guilty shall be punished at the discretion of the King and his Councell.

IV. If the offenders traverse the said certificate ; then that, together with the traverse, shall be sent into the Kings Bench, there to be tried.

V. If the offenders upon the first precept do not appear before the Councell, or in the Kings Bench ; a second precept shall issue forth, upon which if they cannot be found ; or if within three weeks after Proclamation made against them in the next County Court after the delivery of the second precept, they doe not make their appearance before the Councell in the Kings Bench, or in the Chancery (in vacation time) upon returne of the said Proclamation they shall stand convict and attainted of the offence committed.

VI. Justices of Peace dwelling neereft the place where such offences shall be committed, and Justices of Assise for the time they shall be in their Session (in case any be then committed) shall doe execution of this act, in pain of 100. l.

VII. Stat. 2. H. 5. 8. If default be found in the Justices of Peace or Assise, or in the Sheriffe or under-Sheriffe touching the due execution of 23. H. 4. 7. at the instance of the party grieved, the Kings Commission

L. 5 shall

shall go out to inquire as well of the truth of the case & originall matter, as of the defaults aforefaid, directed to sufficient men in the Countrey, at the discretion of the Lord Chancellor, which Commissioners shall presently returne into the Chancery the enquests and matters before them found.

VIII. Here, during the Sheriffes, or under-Sheriffes remaining in his Office, the Coroners shall Impanell the Jury, each of them having lands worth 10.l. *per annum* at least; and upon each of which, for making default, the Coroners shall returne Issues, *viz.* for the first day 20.s. for the second 40.s. for the third 100.s. and for every day after, double: And all this the Coroner shall do, in paine of 40.l. But in case the Sheriffe or under-Sheriffe, reputed in default, be discharged of their office, the new Sheriffe shall do that which the Coroners are above enjoyned to do, and shall incurre the like penalty, if they therein make default.

IX. The Lord Chancellour upon knowledge of any such offence shal send the Kings Writ to the Justices of P. Sheriffe, and under-Sheriffe of the same County, to put the said Statute of 13.H.4.7. in execution, upon the paine therein contained: but although no such writ be sent, yet shall they not be excused of the said paine, if they make not execution of the same Statute.

X. A Riot, &c. shall be repressed, and inquired of at the Kings charge, which the Sheriffe shall disburse by indenture betwixt the
the

the Justices of P. and him, and shall be answered him againe upon his accompt in the Exchequer.

XI. Persons guilty of heynous Riots shall suffer one whole yeares imprisonment without baile; but petty Rioters shall be imprisoned, as shall seeme best to the King and his Councell; And greater Fines shall be set upon Rioters then in time past, in ayde and supportation of the Justices, and other Officers in that behalfe.

XII. All the Kings liege people, upon warning, shall be assistant to the Justices, Commissioners, Sheriffe, and under-Sheriffe aforesaid, upon paine of imprisonment, and to make fine and rancome to the King.

XIII. Bailiffes of Franchises shall cause sufficient men to be impannelled upon such enquests; if any such be found within their liberties; And the Ordinances and paines aforesaid shall extend to Corporations and Liberties, where they have Justices of P. within themselves.

XIV. Stat. 2.H.5.9. Upon a Bill of complaint for any Riot, &c. preferred by the party grieved to the Lord Chancellor for the time being, together with a suggestion testifying the same, under the scales of two Just. of P. and the Sheriffe of the County, the said Lord Chancellor shall send forth a *Capias*, returnable in the Chancery at a certaine day, by which, if the parties offending, or any of them be taken, they shall be committed to ward, or let to mainprise, at the

the discretion of the said Lord Chancellor, and shall be proceeded against, as the Law requireth; But if the Sheriffe returne *Non est inventus*, a Writ of Proclamation (to be proclaimed two County Court dayes) shall goe out returnable in the Kings Bench at a certaine day, before which if they render not themselves, they shall be adjudged convict and attainted of the offence suggested.

XV. If the offence be committed within the County Palatine of Lancaster, or other Franchise, where there is a Chancellor and Seale; The Lord Chancellor of England shall send a Writ to the said Chancellor, commanding him to make such execution, as in this Act is comprised. 17.

5 XVI. Stat. 8.H.6.14. Two Justices of P. of the Counties where Riots are supposed to be committed, shall testifie that the common fame runneth in the same Counties of the same Riots, before the *Capias* shall be awarded according to the Stat. of 2.H.5.9.

XVII. If the offence be committed within a Liberty, where there is a Chancellor and a Seale, upon information of the Riot, &c. from a Justice of P. and Sheriffe there, the said Chancellor hath power to award Writs of *Capias* and *Proclamation*, as the Chancellor of England hath.

6 XVIII. Stat. 19.H.7.13. If any Riot, &c. be committed, the Sheriffe upon a Precept directed unto him, shall returne 24. persons, whereof every one shall have free-hold within the same County worth 20.s. *per annum*,

num, or Copy-hold worth 26.s. 8.d. *per an.* or Copy-hold and Free-hold together worth 26.s. 8.d. *per annum*, for to inquire of the same Riot, &c. And shall returne Issues upon every Juror making default, *viz.* for the first day 20.s. and for the second 40.s. And all this the Sheriffe shall do, in paine of 20.l.

XIX. If the said Riot, &c. be not found, by reason of any maintenance or embracery of the said Jurors, then shall the Justices and Sheriffe, or under Sheriffe, (besides the Certificate they are to make, according to the *Stat.* of 13.H.4.7.) certifie the names of such maintainers and embraceors, together with their misdemeanors, in paine to forfeit 20.l. a piece; which Certificate shall have like force of proving the offence as a verdict of 12. men: And then such maintainers and embraceors shall forfeit 20.l. a piece, and remaine in prison at the discretion of the Justices.

Robbery.

Stat. 8.El.4. A Cut-purse, Pick-pocker, I or other person whatsoever, which feloniously and privily taketh away any money, or other goods from the person of another, without his knowledge, shall not have the benefit of Clergy.

S. Clergy. Felony. 15. Hue and Cry.

Rogues, S. Vagabonds.

Rome,

Rome, S. Recufants.

 Sacraments and Service Divine.

I. **Stat.** 50.E.3.5. and 1.R.2.15. None shall arrest Priests, or other Clerks, while they attend Divine Services, in paine of imprisonment, and to be ransomed at the Kings will, so that no collusion or fained cause be found in them.

2 II. **Stat.** 1.E.6.1. None shall speake or do any thing in contempt of the most holy Sacrament, in paine of imprisonment, and to make fine and ransome at the Kings will.

III. Three Just. of P. (1. Qu.) have power to take information by the oaths of two lawfull persons (at least) concerning the offence aforesaid, and to bind over by Recognisance every Accuser and Witnesse in s.l. a piece, to appeare at the next Sess. to give evidence against the offenders, who are there to be inquired of before three such Justices or more, by the oathes of 12. men, and also indicted, if the matter alledged against them shall be found true.

IV. Three such Justices or more, have likewise power to send out two *Capias*, an *Exigent*, and a *Capias utlagatum* against such offenders into all Counties and Liberties, and upon their appearance to determine the

con-

contempts and offences aforesaid, or to take baile for their appearance to be tried, as aforesaid.

V. The Justices also have power to direct a Writ, in the Kings name, to the Bishop of the Diocesse where the offence was committed, by which he shall be required to be present himselfe (or some for him, sufficiently learned) at the arraignment of the offender, and to give advice concerning the offence committed.

VI. This offence shall be prosecuted within three months, and the offender shall be admitted to produce witnesses for his default.

VII. **Stat. 2,3.E.6.1.** Every Minister shal use the Church service in such forme as is mentioned in the Book of Common Prayer, established by this Act, and shall not use any other, or deprave the same, in paine (if he be beneficed, and convict thereof by the verdict of 12. men, his owne confession, or notorious evidence of the fact) to forfeit to the King for the first offence that of his benefices, which the King will choose; and to suffer six months imprisonment; for the second, to suffer one whole yeares imprisonment, and to be deprived *ipso facto* of all his Spirituall promotions, whereupon every Patron may present; and for the third, to suffer imprisonment during life: And if he be not beneficed, for the first offence he shall suffer six months imprisonment, and for the second, imprisonment during life.

VIII. If

VIII. If any shall be convicted to have by enterludes, playes, songs, rhymes, or otherwise depraved the said books, or to have compelled or procured the Minister to sing or say any other Church Service, or in any other forme then as aforesaid; or by any such means to have interrupted or let the Minister to sing or say the said Service, they shall, for the first offence, forfeit x. li. to the King; or (that not paid within six weeks after conviction) shall suffer (in stead thereof) three moneths imprisonment without baile: for the second time offending, shall forfeit xx. l. or (that not paid within six weeks, as aforesaid) shall suffer six moneths imprisonment without bail: and for the third time shall forfeit all their goods, and suffer imprisonment during life.

IX. Justices of Oyer and Termin. and Justices of Assise have power to hear and determine these offences: unto whom the Archbishop or Bishop of the Diocesse may associate himself, if he please.

X. This shall not restrain any private man, or publick Colledges to use the said Service in such tongues as they understand, the holy Communion only excepted; or any other to use Psalms or prayers taken out of the Bible at convenient times, not letting thereby the said Service.

XI. The offences aforesaid shall be prosecuted at the next Assise or Sessions of Oyer and Terminer after they are committed: And here tryall of Peers shall be by Peers.

XII. Chief

XII. Chief Officers of Cities and Corporations shall also heare and determine these offences within their severall precincts; and so likewise shall Ecclesiasticall Magistrates. Howbeit, none shall be punished above once for one offence.

XIII. Stat. 5, 6. E. 6. 1. Every person shall resort to his Parish Church or Chapel; or (upon just let so to doe) to some other, every Sunday and Holiday, in pain to be punished by the censures of the Church.

4

XIV. The Common prayer book now made perfect and annexed to this Act, together with the addition of consecrating Archbishops, Bishops, Priests and Deacons, shall be used and esteemed as by the Statute of 2, 3. E. 6. 1. is ordained, under the pains in the same Statute expressed.

XV. If any shall be convict by verdict of twelve men, before Justices of Assise, Oyer and Terminer, or Peace in Sess. to have wittingly heard, or to have been present at any other form of Common prayer, administration of Sacraments, making of Ministers, or other rites then what are expressed in the said book, or which are contrary to the said Statute of 2, & 3. E. 6. 1. shall for the first offence suffer six months imprisonment without bail; for the second, twelve months imprisonment; and for the third, imprisonment during life.

XVI. Stat. 1. M. Sess. 2. cap. 3. If any shall disturbe a Preacher lawfully licenced, he

5

he shall be by the Constables or Churchwardens of the parish brought before a Justice of Peace, who, upon due accusation, shall presently commit him to safe custody, and within six dayes after, together with another Justice, shall diligently examine the fact; who, if they find cause, shall commit him to the common Gaole, there to remain for three moneths, and from thence to the next quarter Sessions; at which, upon the parties reconciliation, and entring into bond for the good behaviour for one whole yeer (at the discretion of the Justices in Session) he shall be released: but if hee persist still in his obstinacie, he shall remain in prison without bail, untill he shall reconcile, and be penitent for his offence.

XVII. Hee that rescues an offender in this kind, shall suffer like imprisonment, as aforesaid; and besides, shall forfeit v. li. to the Queen.

XVIII. The inhabitants of a towne that suffer such an offender to escape, shall forfeit v. li. being presented before the Justices of Peace in Sess. within the County or Corporation where the escape was made.

XIX. Justices of Peace, Assise, and Oyer and Terminer, and Maiors, and head Officers of Corporations, have power to heare and determine these offences, and to impose the fines aforesaid.

XX. This Act shall not restrain the jurisdiction of the Ecclesiasticall lawes. Howbeit, none shall be punished twice for one offence.

XXI. Stat.

XXI. Stat. 1. El. 2. Every Minister shall use the Church Service in such forme as is mentioned in the book of Common prayer established by 5, 6. E. 6. 1. together with the addition of certain lessons to be used on every Sunday in the year, and the form of the Letany altered and corrected, and two sentences only added in the delivery of the Sacraments to communicants.

XXII. If any Minister shall be convicted by the verdict of twelve men, his owne confession, or notorious evidence of the fact, to have refused to use the said Church service; or to have used any other rite, ceremony, order, forme, or manner then is set forth in the said book, or to have depraved the same book, or any thing therein contained, he shall forfeit (being a beneficed man) for the first offence, one whole yeers profit of all his spirituall promotions, and suffer six moneths imprisonment: for the second, shall be deprived *ipso facto*, whereupon every Patron may present; and shall suffer one whole yeeres imprisonment: and for the third, shall be also deprived, as aforesaid, and shall suffer imprisonment during life. And if he be not beneficed, for the first offence he shall suffer one whole yeeres imprisonment; and for the second, imprisonment during life.

XXIII. If any shall be convicted to have by enterludes, playes, songs, rhymes, or otherwise depraved the said book, or to have compelled or procured the Minister to sing
or

or say any other Church service, or in any other form then as aforesaid : or by any such means to have interrupted or let the Minister to sing or say the said service ; they shall for the first offence forfeit 100. Marks to the Queen, or (that not paid within six weeks after conviction) shall suffer (in stead thereof) six moneths imprisonment : for the second offence shall forfeit 400. Marks, or (that not paid within six weeks, as aforesaid) shall suffer one whole yeers imprisonment : and for the third offence shall forfeit all their goods and chattels, and suffer imprisonment during life.

XXIV. Every person shall resort to their parish Church, or (upon let thereof) to some other, every Sunday and Holiday, upon paine to be punished by censures of the Church, and also to forfeit xii. d. to be levied by the Church-wardens there, for the use of the poor, upon the offenders goods by way of distresse.

See Recusants, 98.

XXV. Justices of Oyer and Terminer and of Ass. and Maiors and head Officers of Corporations have power to hear and determine these offences : unto whom the Arch-Bish. or Bishop of the Diocesse may associate himself, if he please. *Howbeit, note that by the Stat. of 23. El. 1. Justices of Peace have also power to meddle therein ; which see in Title Recusants, 27.*

XXVI. None shall be impeached by this Act, unlesse the offence be presented at the
next

next Sessions of Oyer and Terminer, or Ass. after it is committed : and here tryall of a Peer shall be by Peers.

XXVI. This Act shall not restrain Ecclesiasticall jurisdiction. Howbeit, none shall be punished twice for one offence.

Sacriledge, *See* Clergie.

Schoole-masters , *See* Recufants, 26, 67.

Scotland, *See* Corn, 1. Horses, 9, 10.

Seminary Priests, *S.* Recufants.

Servants, *S.* Labourers.

Service divine, *S.* Sacraments.

Sewers.

I. **Stat. 23. H. 8. 5.** Commissioners of Sewers (before they can have power to execute their Commission) shall take the Oath ordained by this Statute, before the L. Chancellour, or those whom he shall depute by *Dedimus* for that purpose ; or else before the Justices of P. in Self.

II. The form of the Oath is this :

Yee shall sweare, That you, to your coming, wit, and power shall truly and indifferently execute

cute the authority to you given, by this Commission of Sewers, without any favour, affection, corruption, dread, or malice, to be borne to any manner person or persons; And, as the case shall require, you shall consent, and endeavour your selfe for your part, to the best of your knowledge and power, to the making of such wholesome, just, equall, and indifferent Laws and Ordinances, as shall be made and devised by the most discreet and indifferent number of your fellowes, being in Commission with you, for the due redresse, reformation and amendment of all and every such things as are contained and specified in the said Commission; And the same Laws and Ordinances to your cunning, wit, and power, cause to be put in due execution, without favour, meede, dread, malice, or affection: As God you help, &c.

- 2 III. Stat. 13.El.9. A Commission of Sewers shall continue in force ten yeares, and the orders made by their Commissioners one yeare longer, : during which time of one yeare, the Justices of Peace of that Countrey, or six of them, (2.Qu.) have power to execute such Commission and Orders as fully as the Commissioners themselves, unlesse in the interim a new Commission be sent forth.

Sheep, S. Cattell.

Sheriffes.

- I I. Magna Charta, 9.H.3.17. No Sheriffe, Constable,

Constable, Escheator, Coroner, or any other our Bailiffes shall hold Pleas of our Crowne.

II. Stat. 1.H.4.11. If a Sheriffe commit extortion, and be thereof attainted, he shall be punished for the same at the Kings will.

2

III. Stat. 23. H. 6. 10. No Sheriffe shall let to farne his County, or Bailiwicks; neither shall he, his under-Sheriffe, or any other Bailiffe; returne upon Enquests any Bailiffe, Coroner, Steward, or any servant of theirs; neither shall they take any thing for arresting, or for omitting to arrest, save onely the fees that follow, viz. for the Sheriffe, 20.d. for the Bailiffe that makes the arrest, 4.d. and for the Gaoler, (when the party is committed) 4.d. Neither shall any Sheriffe, under-Sheriffe, Sheriffes Clerk, Steward, or Bailiffe of Franchise, Servant, Bailiffe, or Coroner take above 4.d. for the Copy of a Pannell.

3

IV. Sheriffes and other Officers shall let to Baile persons by them arrested upon reasonable Sureties, having sufficient within the County (persons in ward by Condemnation, exemption, *Capias utlagatum*, or *Excommunicatum*, surety of Peace, or committed by command of the Justices, and Vagabonds refusing to serve, only excepted.)

V. The said Officers shall take no bond of any arrested person, but for appearance, and to themselves onely, and shall not take for it more then 4. d. and bonds otherwise taken

taken

taken (*colore officii*) shall be void.

VI. Sheriffes shall make Deputies in the Kings Courts at Westminster, to receive Writs to be delivered unto them.

VII. Sheriffes, under-Sheriffes, Clerks, Bailiffes, Gaolers, Coroners, Stewards, Bailiffes of Franchises, and all other Officers, which do contrary to this Act, shall forfeit for every such offence treble damages to the party grieved, and besides 40*l.* to be divided betwixt the King and the prosecutor.

VIII. Justices of Assise of both the Benches, and of Peace, have power to heare and determine these offences.

IX. If the Sheriffe returne a *Cepi Corpus*, or *Reddidit se*, he shall be chargeable to have the body of the party ready at the day of returne mentioned in the Writ.

X. The Warden of the Fleet, or of the Gaole of the Kings Palace at Westminster shall not be prejudiced by this Ordinance.

4 XI. Stat. 11.H.7.15. No Sheriffe, under-Sheriffe, or Shire-Clerk shall enter in the County Court any Plaint in the absence of the Plaintife, or his Attourney, nor above one Plaint for one cause, in paine of 40*l.* to be divided betwixt the King and the prosecutor.

XII. A Justice of Peace upon complaint made hath power to examine the abovesaid Officers, and Plaintife concerning the premises, and finding any of the same Officers guilty, shall within three months after cer-

tific

tific that examination into the Exchequer, in paine of 40.s. upon which examination the said Officers shall be convicted to pay the above said forfeiture of 40.s. without farther inquiry.

XIII. The Defendant in the County Court shall have lawfull summons, and if the Bailiffe be therein found faulty, he shall forfeit 40.s. And here also examination and certificate shal be made by a Justice of Peace, as aforesaid.

XIV. Before the Sheriffe issue forth any Estreates out of the County Court, two Just. of P. (1. 2u.) shall view them, and there being two parts of them indented and sealed by the said Justices and Sheriffe, one of them shall remaine with the Justices, and the other with the Sheriffe; and here the Officer that collects them, shall make oath before the said Justices, to levy no more then what is contained in them, in paine of 40.s. who may be convict of that offence by the examination of one Just. of P. as aforesaid.

XV. The Justices of P. which are to have the controllement of the Sheriffe and his Estrears, shall be named at Michaelmasse Sess. by the *Custas Rotulorum*, or (in his absence) by the eldest of the *Quorum*: And the said Justices of P. upon information of the party grieved, may make out like Processe against the offenders, as in Actions of Trespass.

XVI. Stat. 27. El. 12. Every under-Sheriffe before he intermeddles with his Of-

M

fice,

fice, shall before one of the Justices of Assize, or the *Custos Rotulorum* of the County, or two Justices of Peace there, (i. *Qu.*) take the oath of Supremacy, (which see in *Recusants* 8.) and also the oath hereunder written, in paine to forfeit treble damages to the party grieved, if he commit any act contrary to the same oathes, or either of them.

XVII. The forme of the other oath is as followeth :

I A. B. shall not use or exercise the Office of under-Sheriffe corruptly, during the time that I shall remaine therein, neither shall or will accept, receive, or take by any colour, meanes, or devise whatsoever, or consent to the taking of any manner of fee or reward, of any person or persons for the Impanelling or returning of any Inquest, Jurie, or Tales, in any Court of Record for the King, or betwixt party and party above two shillings, or the value thereof, and such fees as are allowed and appointed for the same, by the Laws and Statutes of this Realme : But will, according to my power, truly and indifferently with convenient speed impanell all Jurors, and returne all such writ or writs touching the same, as shall appertaine to be done by my duty or Office, during the time that I shall remaine in the said Office : So help me God.

XVIII. No Bailiffe of a Franchise, Deputy, or Clerk of a Sheriff or under-Sheriff, shall intermeddle with their severall Offices before they have taken the said Oaths, as aforesaid, (altering onely the termes of Office) in paine to forfeit 40. l. to

be

be divided betwixt the King and the prosecutor.

XIX. Justices of Ass. and Just. of P. in Sess. have power to heare and determine the defaults and offences aforesaid, and upon conviction to award Proceffe accordingly.

XX. Stat. 29.El.4. No Sheriffe, under-Sheriffe, Bailiffe of a Liberty, or any of their Deputies, shall either directly or indirectly take more for serving an extent or execution, then after the rate of 12.d. for every pound under 100.l. and 6.d. for every pound above 100.l. in paine to forfeit treble damages to the party grieved, and besides 40.l. to be divided betwixt the Queen and the prosecutor.

6

XXI. This Act shall not extend to fees for Executions within Cities or Corporations.

*S. Bailement, 2. Indictments, 5. Jurors.
Justices of P. 18.*

Ship-Wrights, S. Labourers, 46.

Shoo-makers, S. Leather.

Silver, S. Gold.

Skinners, S. Labourers. 53.

Souldiers, S. Captaines.

M 2 Stabbing,

Stabbing, S. Clergie, 18, 19.

Stewards of Courts, S. Justices
of P. 14, 16, 28.

Strangers, S. Aliens.

Superfedeas.

I. Stat. 21. Jac. 8. Proceſſe of the Peace or good behaviour, ſhall not iſſue out of the Chancery or Kings Bench, but upon motion in open Court, and good cauſe alledged upon oath, which ſhall alſo be endorced upon the Writ: Howbeit, if that cauſe ſhall be afterwards diſproved, the Judge or Judges of the ſaid Courts (reſpectively) ſhall commit the offender to priſon, till he pay the party grieved all his coſts and damages.

II. All Writs of *Superfedeas* ſhall be void, unleſſe ſuch Proceſſe be likewise granted upon motion, as aforeſaid; and upon ſuch ſufficient ſureties, as ſhall appeare to the Court upon oath to be Subſidie-men, aſſeſſed at 5. l. lands, or 10. l. goods; and alſo, unleſſe the proſecution againſt the party for the Peace or good behaviour be *bona fide*: And here, falſe ſureties procured for the gaining of ſuch Writs, ſhall be puniſhed by the Judges.

III. *Certioraries* ſhall not be allowed, unleſſe

Swearing, Cursing. 245

lesse the Indicttee will become bound with sufficient sureties (such as the Justices of P. In Sess. shall think fit) to pay to the prosecutor, within one month after conviction, such costs and damages, as the said Justices shall assess.

Sunday, S. Holy-dayes. Leather, 32. Recusants.

Swans, S. Hawks, 7.20.

Swearing, Cursing.

I. Stat. 21. Jac. 20. If any shall sweare or curse within the hearing of a Justice of P. or shall be convicted thereof by his own confession, or the evidence of two witnesses upon oath before the same Justice, they shall forfeit 12. d. to the use of the poore where the offence shall be committed, to be levied by the Const. Churchw. and Overf. of the poore there, (upon warrant from such Justice) by distresse and sale of goods: And in defect of distresse, if the offender be above 12. yeares old, he shall (upon warrant, as aforesaid) be set in the stocks three houres; but if under, then shall he be whipped by the Constable, or by the Parent or Master in the Constables presence.

II. Here, if an Officer be sued for the due execution of his Office, he may plead the

generall Issue, and yet give speciall matter in evidence.

III. This offence shall be complained off and proved, as aforesaid, within twenty dayes after it is committed: And this Act shall be read in every Church twice in the yeare, upon Sunday after evening prayer.

Tanner, S. Leather.

Testimoniall, S. Labourers,
9, 10, 11.

Tiles.

I. Stat. 17.E.4.4. Tile-earth shall be cast up before the first of November, stirred and turned before the first of February, and not made into Tile before the first of March; And shall likewise be well tried and severed from stones, malme, marle, and chalke.

II. A plaine Tile shall containe in length ten Inches and an halfe; in breadth, six Inches and a quarter; and in thickeffe, halfe an Inch and halfe a quarter at least: A Roofe or Creaft-Tile, in length thirteen Inches, and in thickeffe, as before, with convenient deepeffe accordingly: A Gutter and Corner-Tile, in length ten Inches and an halfe, with convenient thickeffe, breadth and deepeffe.

III. If any shall sell Tile otherwise made,
he

he shall forfeit to the buyer the double value thereof, to be recovered by action of debt; and besides shall make fine and ransom at the Kings will.

IV. Justices of P. shall hear and determine these defaults and offences as well at the suit of the King, as of the party grieved; and shall not set lesse fine upon an offender against this act, then after the rate of v. s. for every thousand of plain tile, vi. s. viii. d. for every hundred of roof-tile, and ii. s. for every hundred of corner or gutter-tile.

V. The said Justices have also authority to appoint searchers of Tile, who shall diligently execute that office, in paine to forfeit to the King for every default x. s. and shall have of every Tile-maker, for such search, after the rate of i. d. for every thousand of plain Tile, *ob.* for every hundred of roof-Tile, and *qu.* for every hundred of corner or gutter-Tile; and shall make presentment of all defaults found at the next Sess. which shall be as effectuell in law, as a presentment of twelve men.

VI. None shall put any Tile to sale before such search be made, in pain to forfeit the same: and the Justices of P. have also power to hear and determine the defaults of the said searchers.

Tinne, S. Brasse.

Tithes.

I I. Stat. 27. H. 8. 20. If the Judge of an Ecclesiasticall Court make complaint to two Justices of Peace (one *Quorum*) of any contumacie or misdemeanour committed by a defendant in any suit there depending for matter of Tithes, the said Justices shall commit the said defendant to prison, there to remain till he shall find sufficient surety to be bound (before them) by recognisance, or otherwise, to give due obedience to the proceffe, proceedings, decrees and sentences of the said Court.

2 II. Stat. 32. H. 8. 7. If in such a Court, after sentence for Tithes, the defendant appealeth, the Judge there shall compell the party appellant by proceffe and censures ecclesiasticall, to satisfie the other party his reasonable costs; and in case of contumacie or disobedience, upon complaint thereof, two such Justices shall proceed as aforesaid. Howbeit, here the Judge shall take surety of the plaintife to repay the costs, in case the cause passe against him.

Toll, s. Fish, 17.

Transportation, s. Actions popular, 18. Corn, Leather, 58.
Recusants, 75.

Treason.

Treason, S. Bailment, r.

Trespasse.

I. Stat. 43. El. 7. If any shall be convicted by his own confession, or by the testimony of one witnesse upon oath, before one Justice of Peate or head Officer, to have unlawfully cut and taken away any grain growing, robbed any orchard or garden, digged up or taken away any fruit trees, broken any hedges, pales, or other fences, cut or spoiled any woods or under-woods standing and growing, or the like, or to have been accessory thereunto, shall for the first offence pay unto the party grieved such damages, and within such time as by the said Justice or head Officer shall be appointed: And in case the party offending shall not by the said Justice or Officer be thought able to discharge the said damages, or shall not discharge them according to the order; then shall the said offender be by them, or either of them (respectively) committed to the Constable or other officer of the place where the offence was committed, or the party apprehended, to be whipped; and for every other offence committed afterwards, and proved as aforesaid, the party offending shall receive the like punishment of whipping.

II. The Constable or other inferior officer that herein refuseth or neglecteth to do

M 5.

his

his duty, shall by any such Justice of Peace or head Officer be committed to prison without baile, till hee whip, or cause to be whipped the party offending, as is above limited.

III. No Justice of Peace shall execute this Statute for offences done to himselfe, unlesse hee be associated with one or more Justices of Peace whom the offence doth not concerne.

Vagabonds, Rogues.

I. Stat. 39. El. 4. Justices of Peace within every County and Corporation have power in Sess. to give order for the erection of houses of correction, and also for the maintenance and government of the same, and for the punishment of offenders which shall be thither committed.

II. All Scholars and seafaring men which beg; All wandring persons which either beg, use unlawfull games and playes, faine themselves to have skill in Physiognomie, Palinestry, or the like, or pretend to tell fortunes; All persons that are, or pretend to be collectors for Gaoles and Hospitals; All Fencers, Bearwards, common Players, and Minstrels wandring abroad (other then such as shall be authorized by Noble-men under their hands and seales;) All Juglers, Tinkers, Pedlers, and petty chapmen wandring

dring abroad ; All labourers which wander, and refuse to work for wages reasonably taxed, having not living otherwise to maintain themselves ; All persons delivered out of Gaoles, which beg for their fees, or otherwise do travell begging ; All which wander abroad begging, pretending losse by fire, or otherwise ; And all such persons (not being felons) wandring, and pretending themselves to be Egyptians, shall be adjudged Rogues, Vagabonds, and sturdy Beggars. 16.

III. If any such vagabond shall be taken begging, wandring, or misordering him or her selfe, he or she, by the appointment of any Justice of P. Constable, Headborough, or Tithingman there (the two last being assisted by the Minister, and one other of the parish) shall be stripped naked from the middle upwards, openly whipped till their body be bloody, and forthwith sent the next way from parish to parish, by the Officers of each parish, towards the place of their birth : but if it cannot be known, then towards the place where they last dwelt, by the space of one whole yeer before such punishment ; and if that cannot be known, then to the towne thorow which they last passed without punishment ; And if it cannot be discovered where they were born, or last dwelt, as aforesaid, then are they to be conveyed by the officer there to the house of Correction, or common Gaole of the County, to be employed in work, or placed

ced in some service, and so to continue by the space of one yeer : or in case they be not able of body, that towne is to keep them, till they may be placed in some Almshouse within the same County.

IV. After which whipping, the vagabond shall have a testimoniall under the hand and seale of the said Justice, Constable, Headborow, Tithingman, and Minister, or any two of them, testifying the day and place of his punishment, the place to which he is to be conveyed, and the time limited for his passage thither ; which time, if by his owne default he exceeds, hee shall from time to time incurre the like punishment, till hee arrive at the place limited : the substance of which testimoniall shall be registred by the said Minister in a book provided for that purpose, in pain of v.s.

V. If any such rogue seeme dangerous, or will not be reformed, two Justices of P. (one of *Quorum*) shall commit him to the house of Correction ; and if at the next quarter Sess. by the more part of the Justices there, he shall not be thought fit to be delivered, he shall by them be banished ; and at the charge of that County shall be conveyed to such parts beyond the seas, as shall by six or more of the privie Councell for that purpose be assigned to her Majesty, her heirs, and successors, whereof the Lord Keeper or Treasurer to be one ; or otherwise adjudged to the gallies of this Realme, as the said Justices shall think fit : And if a
rogue

rogue so banished return without licence, he shall suffer as a felon, to be tryed in the County where he shall be apprehended. 17.

VI. If a Constable, Headborow, or Tithingman be found negligent in the due execution of this act, they shall forfeit x. s. for every default; and none shall make rescous against any Officer, or hinder the execution of this law, in pain of v. li. and to be bound to the good behaviour. 18.

VII. None shall transport such a rogue out of Ireland, Scotland, or the Isle of Man, (being born in any of those places) in pain to forfeit xx. s. to the use of the poor where he lands: And if any such shall be hereafter found in England or Wales, they shall suffer punishment, and be conveyed the next way home, as aforesaid; or (in case they came by sea) to the place where they landed, from whence they are to be transported (at the charge of that County) to the place from whence they came.

VIII. No impotent poor person shall passe to the Bath or Buxton without being licensed to passe by two Justices of P. where they dwell, and provided with relief both for their journey and abode there; and shall also return within the time limited by their licence, in pain to be reputed and punished as Rogues; and the city of Bath or towne of Buxton shall not be chargeable with any such.

IX. Justices of P. of the Counties shall, not intermeddle in Cities or Corporations,
but

but only the Officers of the same, who shall have like power there that the said Justices have in Counties.

X. This act shall not extend to restrain the power which the citie of London hath in the government of *St. Thomas* Hospitall in Southwark, or to prejudice any jurisdiction or inheritance of *John Dutton* of Dutton, in the County of Chester Esquire.

XI. The forfeitures and fines which shall accrue by this act (other then that above otherwise limited) shall be employed for the maintenance of houses of correction, or the reliefe of the poor where the offence shall be committed, at the discretion of the said Justices of P. and may be levied by warrant under the hands and seals of two Justices of P. by distresse and sale of goods: And here the confession of the offender, or proof by two witnesses before two such Just. shall be sufficient conviction.

XII. Two Justices of P. (one *Quorum*) shall have full power to hear and determine all causes which may come in question by reason of this act.

XIII. The Lord Chancellor, or Keeper for the time being, shall have power to make Commissioners to enquire of money given towards the erection or maintenance of houses of correction, stocks for the poor, or other such like uses.

XIV. A seafaring man suffering shipwrack, not having wherewithall to relieve himselfe, and having a testimoniall under some

some Justice of P. his hand and seale near the place where he landed, declaring the time and place of his landing, the place of his dwelling or birth unto which he is to passe, and the time limited for his passage, may, in the direct way home, and within the time so limited for his passage, ask and receive necessary reliefe, without incurring the penalties of this act.

XV. This act shall not extend to children under seven years old; nor to glassemen, which travell without begging, by licence under the hands and seals of three Justices of P. (one *Quorum*) of the County thorow which they travell.

XVI. Stat. 1. Jac. 7. Noble personages shall authorize none to goe wandring abroad; and glasse-men shall be reputed and used as rogues, notwithstanding the Statute of 39. El. 4.

XVII. In stead of banishing an incorrigible rogue, or committing him to the gallies, (as was ordained by 39. El. 4.) he shall in open Sess. be branded in the left shoulder with a burning iron, having a great Roman R upon it as broad as a shilling; and from thence shall be sent to the place of his last dwelling, or (if that cannot be known) to the place of his birth; after which time, if he offend againe, hee shall suffer as a felon, without benefit of Clergie. 5.

XXVIII. Every person that seeth or knoweth any rogue to beg, shall convey, or
cause

cause him to be conveyed to the next Constable or Tithingman, in pain of x. s. to be levied and employed as the forfeitures of 39. *El. 4.* and in default thereof, then by the Lord of the Lect, or his officer, in like manner as the persons authorized by the said Statute should have levied and employed the same. And here also, if the Constable or Tithingman doe not punish him according to that Statute, he shall forfeit xx. s. to be also levied and employed as by the same Statute is appointed.

XIX. This act shall not prejudice the jurisdiction or inheritance of *John Dutton* of Dutton in the County of Chester Esquire.

3 XX. *Stat. 7. Ja. 4.* There shall be an house of Correction provided in every Shire, to set rogues and other idle people to work.

XXI. The Justices in Seff. shall from time to time appoint a Governour for the said house, who shall have power to set such rogues and idle people to work, and to punish them by moderate whipping, or putting fetters or gyves upon them; which rogues and idle persons shall not be chargeable to the Country, nor have other allowance then what they shall deserve by their owne labour.

XXII. The said Justices shall at least twice every year within their severall divisions (and oftner if need be) assemble and meet together for the better execution of this Statute, and some foure or five dayes before their

their meeting, shall by warrant command the Constables and Tithingmen of every Hundred, Town, and Hamlet (being assisted with other sufficient men) to make a generall privie search in one night within their severall precincts, for the finding and apprehending of rogues, &c. and such as shall be found, to bring to the said meeting, to be examined, punished, or sent to the house or houses of Correction, there to be set to work.

XXIII. The said Constables and Tithingmen shall appear at the said meeting, and there give an account upon oath in writing, under the Ministers hand, testifying what rogues &c. they have taken in the last search, or since the last meeting, and how many have been punished, or otherwise sent to the house of Correction: which if they neglect to do, or safely to convey such to the house of Correction as by the said Justices warrant shall be committed thither, they shall incurre what fine the said Justices shall please to set upon them, so it exceed not xl. s.

XXIV. The Governours of the houses of Correction shall have such a summe of money yearly, as shall be thought fit by the more part of the Justices of P. in Sess. the same to be paid quarterly beforehand by the Treasurers of the County, the Governours giving security for their continuance in the said service.

XXV. If any lewd woman have a bastard,

stard, which may be chargeable to the parish, the Justices of P. shall commit her to the house of Correction, there to be punished, and set to work one whole year; and if she offend again, then is she to be committed again, there to remain till she put in good sureties for the good behaviour, and not to offend so again.

Persons running away, and leaving their charge to the parish, shall be deemed and punished as incorrigible rogues: And those that threaten so to do, (it being proved by two witnesses upon oath before two Justices of P. of the same division) shall be by the same Justices sent to the house of Correction, there to be punished as sturdy rogues, (unlesse they will put in sufficient sureties to discharge the town,) and not to be delivered but at such a meeting, as aforesaid; or in open Sess.

XXVII. If the Governours shall not every quarter Sess. yeeld to the said Justices a true account of all such persons as shall be committed to their custody; if they suffer any within their charge to make escape, or to be troublesome to the Country by going abroad, or otherwise, they shall incurre what fine the same Just. in Sess. shall think fit to impose upon them.

XXVIII. All fines which shall accrue by this act (other then those already limited) shall be paid to the Treasurers of the County, and by them be accounted for.

See Labourers, 11. Sheriffes, 4.

Victuall.

Victuall, and Victuallers.

I. Stat. 12.E.2.6. No person in any City or Corporation, which by reason of his Office ought to keep the Assise of Wine and Victuals, as long as he shall be attendant upon his Office, shall buy or sell Wines or Victuals, in paine to forfeit the same to the King, whereof the prosecuter shall have the third part by the Kings gift. 8. I

II. Stat. 23. E. 3. 6. All Butchers, Fishmongers, Regraters, Hostlers, Brewers, Bakers, Poulters, and all other sellers of Victuals, shall sell the same at reasonable prises, and for moderate gaine, in paine (upon prooffe of the contrary, before the Sheriffe or the Kings Bailiffes, or before the Constables of the place, by the evidence of two true men) to forfeit the double value thereof to the party damnified, or (in his default) to him that will sue for the same: And all Maiors, and head Officers of Corporations have like power, and upon neglect of their duty herein, shall forfeit the treble value thereof to the party or prosecuter, as afore said; and besides shall incurre a fine to the King, to be imposed by Justices to be assigned by the King. 2

III. Stat. 6.R.2.10. Aliens (being in amity with the King and Realme) may bring in victuall, and sell the same in grosse, or by retaile, without the impeachment of any. 3
See Stat. 11 R.2.7. 1.H.4.17. and 14.H.6.6.

IV. Stat.

4 IV. Stat. 13.R.2.8. Victuallers shall sell their victuals at such reasonable prises as shall be set down by the Just. of P. in two of their Sess. to be holden betwixt *Easter* and *Mich.* in paine to be punished at the discretion of the said Justices, where no paine is already limited in certaine. 9.

V. And here, Sheriffes, Stewards, Maiors, Bailiffes, and all other, which have power to keep Assise of Bread and Ale, shall take no fine or amercement for any default touching the Assise, for which the offender ought by Law to have bodily punishment.

5 VI. Stat. 23.H.6.13. Justices of Peace shall twice every yeare cause all Statutes concerning Victuallers (before this time made) to be openly proclaimed in Sess.

6 VII. Stat. 12.E.4.8. No person (other then Maiors, Bailiffes, Lords of Leets, or others in point of Charter) shall execute any Office of searching or surveying of Wine, Ale, Beere, or any other Victuall, or of the correction for breaking the Assise thereof, in paine to forfeit 40. l. to be divided betwixt the King and the prosecutor. And all Letters Patents of the King granted for that purpose shall be void.

7 VIII. Stat. 3.H.8.8. When a Victualler (in a City or Corporation) is chosen to beare an Office, by reason whereof he ought also to have the Assising of Victuall, during that time, two other (being no Victuallers) shall be joyned and sworne with him, truly to Assesse and set prises and Assises of Victuall there.

I X. Stat.

IX. Stat. 25.H.8.2. The priſes of Viſtuall in all places (except Corporations) ſhall be aſſeſſed by the Kings Councellours, Juſtices of either Bench, and ſome other great Officers.

X. Stat. 2,3.E.6.15. Butchers, Brewers, Bakers, Poulters, Cooks, Coſter-mongers, or Fruiterers, which conſpire or promiſe together, that they will not ſell their viſtualls, but at certain priſes, ſhall forfeit for the firſt offence 10.l. to the King; and if they pay it not within ſix dayes after conviction, they ſhall ſuffer 20. dayes imprisonment, and during that time ſhall have no ſuſtenance but bread and water: for the ſecond offence they ſhall forfeit 20.l. and, that not paid within ſix dayes, as aforeſaid, ſhall ſuffer the Pillory: And for the third offence ſhall forfeit 40.l. and, that not paid within the time above limited, ſhall againe ſuffer the Pillory, loſe one of their eares, and be ever after taken as men infamous, and not to be credited.

XI. Juſt. of P. Maiors, Bailiffes, and Stewards, in Seſſ. Leets and Courts, have power to heare and determine theſe offences.

See Alehouſes, 5, 15, 26, 28. Butcher, 1. Corne, Foreſtallers, 5. Purveyors, 36.

Vintners, S. Wines. Alehouſes, 29.

Under.

Under-Sheriffe, s. Sheriffes.

Usury.

I - I. Stat. 37.H.8.9. None shall sell his wares or merchandise to any, and within three months after buy the same againe at a lesser prise, knowing them to be the same wares; or by any corrupt bargaine of wares, money, or other thing, or by any mortgage of Land, take in gaines for giving day of payment, more then according to the rate of 10. *per centum*, for one whole yeare, in paine to forfeit the treble value of the wares or money so put forth, or the treble value of the profits of such lands mortgaged, to be divided betwixt the King and the prosecutor; And besides shall suffer imprisonment, and make fine at the Kings will.

2 - II. Stat. 13.E1.8. All bonds, contracts, and assurances upon Usury, in lending or doing any thing contrary to the Stat. of 37.H.8.9. shall be void, and all brokers, and solicitors thereof, shall be adjudged and used as Councillors, Attornies, or Advocates in any case of *Premunire*.

III. He that taketh no more then after the rate of 10.l. *per centum*, or lesse, shall onely forfeit the interest; to be recovered and employed, as the forfeitures of 37.H.8.9.

IV. Justices of Oyer and Terminer, of
Ass

Ass. and of P. in their Circuits and Sess. and Maiors, Sheriffes, and Bailiffes of Cities, have power to heare and determine all offences committed against 37.H.8.9.

V. This Statute of 37. H. 8. 9. shall be construed largely and strongly against the party offending by any way or devise, directly or indirectly.

VI. This Act shall not extend unto any allowances or payments for the finding of Orphans, according to the ancient rates of London, or of any other City, where order is taken for their custody and goods, as in London.

VII. The offender against the Stat. of 37.H.8.9. may also be punished by the Ecclesiasticall Laws.

VIII. Stat. 21. Jac. 17. None shall upon any contract, directly or indirectly, take for loane of any money or other commodities, above the rate of 8.l. *per centum* for one whole yeare, in paine to forfeit the treble value of the money, or other things so lent.

IX. No Scrivener, Broker, or Soliciter shall take or receive directly or indirectly for brokage, above the rate of 5.s. for the loane of 100.l. for one whole yeare, nor above 12.d. for making of a bond, in paine to forfeit 20.l. to be divided betwixt the King and the prosecutor; and also to suffer six months imprisonment.

See *Actions popular*, 15.

Wages,

Wages, S. Justices of P. 13, 18.
Labourers, 15, &c. Parlia-
ment.

Wagoner, S. Holy-dayes, 2.

Waine-man, S. Holy-dayes, 2.

Wales.

- I I. Stat. 26. H. 6. Just. of P. in the Counties next adjoyning to Wales, may heare and determine the felonies committed in Wales, and in the Marches thereof, and how they may proceed therein.
- 2 II. Stat. 27. H. 8. 7. The said Justices may heare and determine certaine offences (there mentioned) of Foresters in Wales about unreasonable customes, and how they are to proceed therein.
- 3 III. Stat. 34. H. 8. 26. In this Statute is set downe by whom the Justices of P. in Wales are to be appointed, how many there ought to be in every County, what manner of men they ought to be, and how they ought to deale in their office, concerning their Seff. Certificates, Fees, Amerciaments, and Fines, together with divers other matters there mentioned.

S. Boat-men, 1.

Warrens,

Warrens, S. Hunters.

Watches.

I. *Stat. of Winchester*, 13.E.1.4. In great Towns walled, the gates shall be shut from Sun-set till Sun-rising, and none shall lodge without the Town, unless he his Host will answer for him; for which purpose, the Bailiffs of Towns shall make search once every fortnight at least, and if they find any suspicious persons to have been lodged against the peace, they shall do right therein.

I

II. Berwix Ascension day and Michaelmas, Watch shall be kept all night, from Sun-setting till Sun-rising; viz. in a City with six men at every gate, in a Borough with twelve men, and in every Town with six or four men, according to the number of the inhabitants there; and if any stranger passe by them, he shall be arrested till morning; and if he will not obey the arrest, they shall levie Huy and Crie upon him.

III. *Stat. 5. H. 4.3.* Watches shall be made upon the sea-coasts, as they were wont to be; and in that case the Statute of *Winchester* shall be observed.

2

IV. In every Commission of Peace hereafter to be made, this article shall be inserted, That the Justices of Peace shall have power in their Sessions to enquire of Watches, and to punish them which shall be found in default, according to the tenour of the said Statute.

N

Water-

Watermen, S. Boatmen.

Wax.

- I I. Stat. 11. H. 6. 12. No Wax-Chandler shall sell or put to sale any Candles, or other wares made of wax, at a dearer rate then that he may have only iiii. d. in every pound of wares over the price of plain wax, in pain to forfeit all such wares put to sale, and the value of them sold; and besides, to make fine to the King.

II. Justices of Peace, Maiors, Bailiffes and Stewards of Franchises have power to examine and search concerning the breach of this law, and also to heare and determine the offences committed against the same. Stat. 23. E. 8.

Wears, S. Fishing, 6, 36.

Weights and Measures.

- I I. Magna Charta, 9. H. 3. 21. One measure and one weight shall be used throughout England.
- 2 II. Assise Pann & Cervise, 31. H. 3.

A Table

A Table of the assise of Bread according to Troy weight, having twelve ounces in a pound, and twenty penny weight in each of those twelve ounces.

Price of wheat.		Penny white.	Penny wheat.		Penny Household.	
s.	d.	l. ou.	d.	l. ou.	d.	l. ou.
19	6	1	5	7	2	0
20	0	1	4	18	2	1
20	6	1	4	10	2	0
21	0	1	4	2	2	0
21	6	1	3	14	1	12
22	0	1	3	6	1	0
22	6	1	3	0	1	10
23	0	1	2	14	1	10
23	6	1	2	8	1	9
24	0	1	2	2	1	9
24	6	1	1	16	1	8
25	0	1	1	10	1	8
25	6	1	1	5	1	7
26	0	1	1	0	1	7
26	6	1	0	15	1	7
27	0	1	0	10	1	6
27	6	1	0	6	1	6
28	0	1	0	1	1	6
28	6	0	11	17	1	5
29	0	0	11	12	1	5
29	6	0	11	9	1	5
30	0	0	11	5	1	4

N 2

30 6

Price of wheat.		Penny white.		wheaten.		Household.	
s.	d.	l.	oun.	d.	l.	oun.	d.
30	6	0	11	1	4	12	10
31	0	0	10	18	4	6	9
31	6	0	10	14	4	1	9
32	0	0	10	11	3	16	9
32	6	0	10	8	3	12	8
33	0	0	10	5	3	6	8
33	6	0	10	3	3	0	8
34	0	0	9	19	2	15	7
34	6	0	9	16	2	12	7
35	0	0	9	13	2	8	7
35	6	0	9	10	2	4	7
36	0	0	9	8	2	1	6
36	6	0	9	5	1	18	6
37	0	0	9	2	1	14	6
37	6	0	9	0	1	10	6
38	0	0	8	18	1	7	5
38	6	0	8	15	1	4	5
39	0	0	8	13	1	0	5
39	6	0	8	11	0	16	5
40	0	0	8	9	0	12	4
40	6	0	8	7	0	9	4
41	0	0	8	5	0	6	4
41	6	0	8	3	0	3	4
42	0	0	8	1	0	0	4
42	6	0	7	19	11	18	3
43	0	0	7	17	11	16	3
43	6	0	7	15	11	13	3
44	0	0	7	13	11	10	3
44	6	0	7	12	11	6	3
45	0	0	7	10	11	4	3
45	6	0	7	8	11	2	2

Weights.

269

Price of wbeat.		Penny white.		w'beaten.		Household.	
s.	d.	l.	oun.	d.	l.	oun.	d.
46	00	7	60	11	00	2	14
46	60	7	50	10	18	2	10
47	00	7	40	10	14	2	7
47	60	7	20	10	13	2	4
48	00	7	10	10	10	2	1
48	60	6	190	10	8	1	18
49	00	6	170	10	6	1	16
49	60	6	160	10	4	1	13
50	00	6	150	10	2	1	10
50	60	6	140	10	0	1	7
51	00	6	120	9	18	1	4
51	60	6	110	9	16	1	2
52	00	6	100	9	14	1	0
52	60	6	80	9	12	0	17
53	00	6	70	9	10	0	14
53	60	6	60	9	8	0	12
54	00	6	50	9	6	0	10
54	60	6	40	9	5	0	8
55	00	6	30	9	4	0	6
55	60	6	10	9	2	0	3
56	00	6	00	9	0	0	0
56	60	5	190	8	180	11	18
57	00	5	180	8	170	11	16
57	60	5	170	8	150	11	14
58	00	5	160	8	140	11	12
58	60	5	140	8	130	11	9
59	00	5	130	8	120	11	6
59	60	5	120	8	100	11	4
60	00	5	110	8	80	11	2
60	60	5	100	8	60	11	1

Note, that (by the Book of Assise now in use).

N 3

Bakers

Bakers inhabiting Corporate Towns (in regard they pay scot and lot there) are allowed six shillings in every Quarter of the middle-prise wheat for their charge in baking; And Country or forraigne Bakers, only four shillings: For example, when the middle-prise of wheat is 30.s. the Quarter, for the Assise of Towne Bakers you are to find in this Table the Assise of Bread answering to 36.s. but for the Assise of forraigne Bakers, that of 34.s. And therefore (in that case) the penny white loafe put to sale by Towne Bakers ought to weigh nine ounces, eight penny-weight; but that uttered by forraigne Bakers nine ounces, nineteene penny-weight, as appears in the Table.

III. An English penny sterling (being now three pence) shall weigh 32. grains of Wheat taken out of the middle of the eare, and 20. pence do make an ounce, 12. ounces a pound, 8. pound a gallon, 8. gallons a London Bushel, which is the eighth part of a Quarter, Stat. 31. E. 1. See *Rastall, weights*, 7, 8.

3 IV. Stat. of the Pillory and Tumbrell, 51. H. 3. If a Baker or Brewer be convicted not to have observed the Assise, for the first, second, and third fault he shall be amerced, except the offence be grievous and often, and then shall the Baker to the Pillory, and the Brewer to the Tumbrell, or some other correction.

V. Six men shall be sworne truly to gather all the measures and weights of the Towne, and of Mills, and upon the measures and weights, as also upon every loafe shall the name of the Owner be distinctly written: After this, 12. lawfull men shall be sworne

sworne to make true answer on the Kings behalf upon Articles, hereafter following; And the Bailiffe shall be commanded to bring the Bakers and Brewers with their measures, and all things under-written.

VI. Then first the Jury shall inquire the first, second, and third prizes of Wheat sold the last Marker day, and also how Barley and Oats; and upon how much increase or decrease of the price of Wheat, the Baker ought to change the Assise of his Bread, and how much it ought to weigh according to the present price of Wheat; and whether the Town have a Pillory of convenient strength.

VII. Againe, they shall inquire of the Assise and price of Wine, and the Vintners names, and how they sell, and whether they utter that which is wholesome for mans body: Also of the Assise of Ale in the Court of the Town, how it is, and whether it be observed; and if the Brewers be found to have sold contrary to the Assise, they shall be amerced, or else judged to the Tumbrell.

VIII. They shall inquire likewise of such as use double, or false weights or measures; of Butchers and Cooks, that sell unwholesome meat; & of Forestallers, which buy any thing before the accustomed time of Market.

IX. Stat. de pistoribus, 31.E.1. The Assise or weight of Wheat shall never be changed, but when there is six pence increasing or decreasing in the price of a Quarter.

X. If a Bakers Bread be found a farthing weight lacking in two shillings six pence or

under, he shall be amerced; and if it passe the same number, he shall suffer the punishment of the Pillory, which shall not be remitted for gold or silver: And every Baker shall have a marke of his own for his bread.

According to which proportion, it seems that if a Bakers bread wants not a peny weight in six ounces, he shall not incurre amerciament.

XI. Every Pillory or Stretch-neck must be made of convenient strength, so that execution may be done upon offenders without perill of their bodies.

XII. The toll of a mill shall be taken according to custome, and the strength of the water, either to the 20. or 24. corn; also by a measure agreeable to the Kings standard, and by the race, and not by heap or cantell: And if the Farmors find the Millers their necessities, they shall take nothing besides their due toll, in pain to be grievously amerced.

XIII. The assise of Ale shall be assessed, proclaimed, and kept according to the price of corn whereof malt is made; And the Brewer shall not increase more in a gallon, but according to the rate of six pence rising or falling in a quarter of malt: And if he break the assise, for the first, second, and third time he shall be amerced, but for the fourth he shall incurre the Pillory.

XIV. A Butcher that sels Swines flesh mezled, or dead of the morin, shall for the first time be amerced; for the second incurre the Pillory; for the third be imprisoned and make fine; and for the fourth shall forbear the

the town : And in this manner shall it be done to all that offend in like case.

XV. The standard of bushels, gallons, and els shall be signed with an iron scale of the Kings ; and no measure shall be in any towne, unlesse it do agree with the Kings measure, and be marked with the seal of the Shire town.

XVI. If any do sell or buy with measures unsealed, and not examined by the Maior or Bailiffes, he shall be grievously amerced.

XVII. All measures shall be viewed twice every yeer; and if any be convict of a double measure, he shall be imprisoned, and grievously punished.

XVIII. The Standard bushels, and els shall be in the custody of the Maior and Bailiffes, and of six lawfull persons of the town being sworn, before whom all measures shall be sealed : and no grain shall be sold by the heap or cantell, except it be oats, malt, and meal. 24.

XIX. No forestaller shall be suffered to dwell in any town ; and if any shall be convict of that offence, for the first time he shall be amerced, and lose the thing so bought ; for the second shall have judgment of the Pillory ; for the third shall be imprisoned and make fine ; and for the fourth shall abjure the town : And like judgement also shall be given against his accessaries.

XX. *An Ordinance for measuring land.* 34.

E. 1. See the Statute at large.

XXI. *Stat.* 14. *E.* 3. 12. There shall be

N 5

one

5

6

one weight and one measure throughout the Realm of England: And the Treasurer shall cause to be made certain standards of bushels, gallons, and weights of brass, and shall send them into every County, where such standards are not already sent: and thereupon shall be assigned two sufficient persons in every County (or more, if need be) to survey weights and measures according to the standard, who shall have power to hear, determine, & punish all those that shall be thereof found guilty, and to command the Sheriffe to imprison them till they shall make fine to the K.

XXII. The said Officers shall every year, the next day after the feast of S. Michael, deliver their estreats into the Exchequer, and take for their expences a fourth part of that they can levie, and shall answer the King the other three parts: And the fourth part also of that they cannot levie, shall be answered them in the Excheq. and the other three parts shall be levied for the Kings use.

7 XXIII. Stat. 25. E. 3. 9. Auncell weight shall be quite put out, and weighing shall be by equal balance. Stat. 34. E. 3. 5

8 XXIV. Stat. 25. E. 3. 10. Every measure shall be according to the Kings standard, and shall be striked without heap, saving the rents of Lords: And the King will assigne certain Justices in every County to inquire, hear, and determine upon the points aforesaid, and to inflict punishment according to the trespassse.

9 XXV. Stat. 27. E. 3. 10. There shall be one

one weight and one measure; and none shall use any deceit in weighing commodities by an uneven tong of the balance, or by putting hand, foot, or other touch, in pain to forfeit the value of the commodities so weighed; to suffer one yeers imprisonment, and to be ransomed at the Kings will; and the party grieved shall recover quadruple damages.

XXVI. There shall be Justices assigned to inquire of such trespasses, & to do right as well at the K. suit, as at the suit of the party.

XXVII. Stat. 13. R. 2. 9. There shall be one weight and measure throughout England; and he that shall be convicted to have used any other, shall suffer six moneths imprisonment, and yeeld double damages to the party grieved. 10.

XXVIII. Stat. 15. R. 2. 4. Eight bushels of corn stricked shall be accounted a quarter, as well by water as by land: and none shall buy otherwise, in pain to forfeit the corn or malt so bought. 11.

XXIX. Stat. 9. H. 5. Parl. 2. 8. The Justices of P. Sheriffs, Escheators, and other persons to be assigned by the King, shall have power by Commission to inquire of the counterfeiterers of false weights, and to commit them to prison, and there to hold them till they shall be acquit or attainted, and being attainted, they shall still remain in prison, till they have made fine and ransome at the discretion of the said Just. who shall have power therof to inquire, hear and determine, as often as to them shall seem necessary. 12.

XXX. Stat.

- 13 XXX. Stat. 2. H. 6. 11. The tun of wine shall contain 252. gallons English measure, the pipe 126. gallons, the barrell of Herrings or Eccles shall contain 30. gallons, the butt of Salmon 84. gallons; and so of other lesser vessell after the same rate.

XXXI. None shall import or make any vessell contrary to this act, in pain to forfeit the commodities therein contained to the lord of the town where they are found, whereof the prosecutor shall have the fourth part.

XXXII. Justices of P. and Maiors, and Bailiffes (having power to inquire of the peace) have power to hear and determine these offences.

- 14 XXXIII. Stat. 8. H. 6. 5. Every Citie, Borough and Town within England shall have a common balance, with common weights sealed, and according to the standard of the Exchequer, upon the common costs of the said Citie, Borough or Town, in the keeping of the head Officer, or Constable there, in pain that the Citie for such default shall forfeit x. l. to the King; the Borough v. l. & every other Town xl. s. 39, 48.

XXXIV. At this balance all the inhabitants may weigh *gratis*; but a forreiner shall for every draught under xl. l. pay a farthing; for a draught betwixt xl. li. and an hundred an halfpenny; and for a draught betwixt an hundred and a thousand a penny; whereof the weights shall be maintained, and the officers which attend that service rewarded, at the discretion of the said inhabitants.

XXXV. None

XXXV. None shall buy woollen yarn, unless he will make cloth thereof; nor use weight or measure, or any other thing in place thereof, which is not sealed according to the standard, nor set any thing to the same by way of tacking or hiding, or in any other manner, that may increase the measure or weight, or let the balance to have his natural course, upon the pain mentioned in the *Statutes* of 27. E. 3. 10. and 13. R. 2. 9.

XXXVI. Justices of P. Maiors, Bailiffes, and Stewards of Franchises have power to hear and determine these offences.

XXXVII. Stat. 9. H. 6. 8. A weigh of Cheese shall contain 32. cloves, and every clove seven pound. 15

XXXVIII. Stat. 11. H. 6. 8. The Stat. of 1. H. 5. 10. (*which see in Purveyors, 44.*) and 8. H. 6. 5. shall be duly put in execution. 16

XXXIX. In every Citie, Borough, and Town there shall be a common bushell sealed, and according to the standard, in like manner and pain as in the said Stat. of 8. H. 6. 5. is specified, for a common balance. 48.

XL. All Ju. of P. Maiors, & head Officers shall have power to hear and determine the offences committed against the said *Statutes* by examination or inquisition, and as well at the suit of the King, as of the party grieved.

XLI. The Maior of London, and all other Maiors and Bailiffes, in their oaths shall be charged to keep and execute all the said Statutes, and shall be accountable in the Exchequer for all profits and forfeitures which shall

shall grow due thereupon to the King.

- 17 XLII. Stat. 1. R. 3. 13. The contents of every vessel of wine and oyl: And they shall not be sold untill they be gaged by an officer to be appointed by the King for that purpose.

- 18 XLIII. Stat. 7. H. 7. 4. (or according to Rastal cap. 3.) Measures and weights of brass shall be sent to every City and Borough, there to be kept as their treasure, according to which all measures and weights in every County shall be reformed.

XLIV. The Maior or chiefe Officer of every such place shall have a speciall mark wherewith he shall seal the said measures and weights; and shall take for sealing of a bushell a penny, and of every other measure an halfpenny; for an hundred weight a penny, for half an hundred an halfpenny; and for every lesser weight a farthing.

XLV. If he refuseth or delayeth to seal them, or doth any thing contrary to this act, he shall forfeit xl. s. to be divided betwixt the King and the party grieved, and to be recovered by action of debt, wherein no wager of law shall be admitted.

XLVI. Justices of P. have power to hear and determine the said defaults.

- 19 XLVII. Stat. 11. H. 7. 4. Measures and weights of brass: shall be sent to Cities and Boroughs there especially named.

XLVIII. Onely Cities, Boroughs, and Market Towns shall be enjoyned to have common balances, weights and measures, and all other towns shall be excused, notwithstanding

standing the *Statutes* of 8.H.6.5. and 11.H.6.8. above mentioned.

XLIX. The Maiors and chief Officers of the said Cities, Boroughs, and Market Towns, which shall have delivered unto them such weights and measures scaled with the letter H. crowned, (*or with the first letter of the name of the present King of England for the time being*) shall have authority and power to signe like weights and measures unto any of the Kings subjects (duely requiring the same) taking for the marking of every bushell only one penny.

L. None shall use any other weights or measures but such as are so marked.

LI. Maiors and chiefe Officers shall at least twice every year view all measures and weights within their jurisdictions, and break or burn them which they finde defective, and also inflict punishment upon the offenders; w^{ch}. for the first offence vi. s. viii. d. for the second xiii. s. iii. d. and for the third xx. s. and besides, adjudge them to the pillory.

LII. Two Justices of Peace (one *Quorum*) have authority as well by examination as inquiry, to hear and determine the defaults of Maiors and other head Officers, and also of buyers and sellers contrary to this act; and to set fines and amerciaments upon the offenders at their discretions: and the defective weights or measures are to be forfeited and burnt.

LIII. Eight bushels of corn. raised and stricken

stricken shall be accounted a Quarter, 14.l. a stone of Wooll, and 26. stone, a sack: Howbeit this Act shall not extend to any person selling or buying by water measure within ship-board, whereof every bushell shall containe five pecks raised and stricken.

LIV. Within the Cinque Ports the Lord Warden or his Lieutenant shall order the weights and measures.

20 LV. Stat. 12.H.7.5. A Bushell shall containe 8. gallons of Wheat; and every gallon 8. pounds of Wheat, Troy weight; and every pound 12. ounces; and every ounce 20. sterlings, (*or penny weights*;) and every sterling shall weigh 32. graines of Wheat, that grew in the midst of the eare of Wheat: And a standard for the Kings treasury is to be made according to this Assise.

LVI. Whereas the weights and measures sent downe to Cities and Boroughs last yeare by the Stat. of 11.H.7.4. were found defective, others more perfect shall be sent thither at the charge of the said Cities and Townes, according to which all other weights and measures shall be regulated, upon the paines in the said Statute contained.

21 LVII. Stat. 16.Car.19. There shall be one weight and one measure according to the standard of the Exchequer throughout the Realme, and every measure of Corne shall be stricken without heape.

LVIII. Whosoever shall sell by, or keep any other weight or measure, whereby any thing is bought or sold after six months after this

this Seſſ. of Parliament, ſhall forfeit for every ſuch offence 5 s. being thereof lawfully convicted by the oath of one witneſſe before a Juſtice of P. Maior, or other head Officer, (in their ſeverall precincts reſpectively) who ſhall have power to adminiſter an Oath in that behalfe, which ſaid forfeiture ſhall be levied by the Church-wardens, and Overſeers of the poore (or one of them) where the offence ſhall be committed, to the uſe of the poore there, by diſtreſſe and ſale of goods, r. ndring the overplus to the party offending; And in default of diſtreſſe it ſhall be lawfull for any Juſtices of P. Maior, or other head Officer, (in their ſeverall precincts reſpectively) to commit ſuch offender to priſon, untill he ſhall pay the ſumme ſo forfeited.

LIX. The Clerk of the Marker of the King or Princes houſhold, and his deputies, ſhall only execute their office within the verge, and not elſewhere: And head Officers of Corporations, and Lords of Liberties, and their deputies, may execute theirs in their ſeverall precincts, as they might have done before this Act was made.

LX. If any of the Officers aforeſaid ſhall ſeale any weight or meaſure which is not agreeable to the ſaid ſtandard, or ſhall reſuſe to ſeale ſuch as are agreeable thereunto, (the party paying only ſuch fees for the allowance thereof, as are warranted by Statute, or ſome ancient cuſtome) they and their deputies

deputies (respectively) shall for every such offence forfeit *ꝛ. l.* to be levied as aforesaid, to the use of the poore where the offence was committed.

LXI. If they shall take any other fine, fee, reward, or summe of money, then what are allowed by Statute, or some such ancient custome, for the signing or examination of any weights or measures, which have beene formerly marked or sealed; or shall impose any fine or amerciament without a legall triall of the offence; or shall otherwise misdemean themselves in the execution of their office, and shall be thereof lawfully convicted; they shall forfeit for the first offence, *ꝛ. l.* for the second, *10. l.* and for every other offence, *20. l.* to be levied, as aforesaid, to the use of the poore, where the offence was committed.

LXII. He that is fined or amerced by this Act, shall not be again punished for the same offence by force of any former Law or Statute.

LXIII. This Act shall not extend to the measure of Rent-corn, nor to Water-measure.

LXIV. If any Officer authorised for the execution of this Statute shall be impleaded for any act he shall do therein, he shall plead the generall Issue, *not guilty*, and yet give this Statute, or any other speciall matter in evidence; And if he be found not guilty, or the Plaintiffe be non-suited, he shall recover treble costs.

Wild Fowle.

Stat. 25.H.8.11. None shall destroy or take away the eggs of any wild Fowle, in paine to forfeit for every egge of a Crane or Bustard so taken or destroyed 20. d. of a Bitter, Herne, or Shovelard 8. d. of a Mallard, Tele, or other wild Fowle 1. d. to be divided betwixt the King and the prosecutor: And here Justices of P. shall have power to inquire, heare and determine offences of this kind, as they use to do in cases of Trespasse.

S. Hawks, 19, 20. Hunters, 7.

Wines.

I. Stat. 7.E.6.5. None shall utter Wine by retaile, in any other place then in Cities, Boroughs, Port Townes, or Market Towns, or in Gravesend, Sittingborne, Tuxford, or Bagshot, in paine to forfeit 10. l. for every day that they sell Wine otherwise.

II. None shall utter Wine by retaile in any City, Borough, or Corporation, but by license of the most part of the Common-Council, Aldermen, Burgeses, or Commualty there, under their common Seale; nor in any City, Borough, Port towne, or Market town not Corporate, or in Gravesend, Sittingborne, or Bagshot, without licence of the Justices of P. of the County in Sess. under their Seales; in paine to forfeit 5. l. for every

ry day that they sell Wine otherwise : which said Officers, Communalty, and Justices have power to continue or change such licences at their discretions ; but shall not licence above two in one place, in paine to forfeit s.l. a piece except in these hereafter following, in which it shall be lawfull to licence more then two, *viz.* in

London	4 ⁰	Westchester	4
York	8	Hereford east	3
Norwich	4	Worcester	3
Westminster	3	South-hampton	3
Bristol	6	Canterbury	4
Lincolne	3	Ipswich	3
Hull	4	Winchester	3
Shrewsbury	3	Oxford	3
Exeter	4	Cambridge	4
Salisbury	3	Colchester	3
Glocester	4	Newcastle	4

III. None shall sell or utter Wine by retail to be spent in his or their mansion house, or in any other place in their tenure, by any colour, craft, or engine, in paine of 10. l.

IV. The abovesaid forfeitures shall be divided betwixt the King and the prosecutor.

V. Justices of P. within every County and Corporation in Sessions, Stewards in Leets, and Sheriffes in their Turnes, have power to enquire (by the oaths of twelve men) of all offences committed against this Act ; in which case the forfeitures, which shall thereupon grow due, shall be divided betwixt the King

King and the poore of the Towne or place where the presentment shall be found.

VI. This Act shall not prejudice the liberties of either of the Universities; nor charge any person offending, unlessse the suit be prosecuted within a yeare.

S. weights, 6.

Witchcraft.

I. Stat. 1. Jac. 12. If any shall be lawfully convicted to have used or practised the invocation or conjuration of any evill spirit; or to have taken up any dead person out of their grave, or any part of such person to be used in witchcraft or inchantment; or to have used witchcraft, wherby any person hath been killed, pined, or made lame; they, together with their accessaries, shall be adjudged felons, without benefit of Clergy.

II. If any shall be lawfully convicted to have taken upon them by witchcraft, inchantment, charme, or sorcery to discover any place of hidden treasure, or where lost or stollen goods are become, or to provoke any person to unlawfull love, or to destroy or impaire any cattell or goods, or to hurt or destroy any person in their body, although the same be not effected: they shall for the first offence suffer one whole years imprisonment without bail, and once in every quarter of that yeer, at a Market or Fair, stand upon the pillory six hours, and there openly confesse the offence committed: and for the second

286 Wood. Wooll.

second offence shall suffer as a felon without benefit of Clergy: But here shall be no loss of dower, or disherison of heire; and in these cases a Peer (being an offender) shall be tryed by his Peers.

Witnesse, S. Perjury, 8.

Wood.

Stat. 35. H. 8. 17. Two Justices of Peace appointed by the more part of the other Justices, have power (in a form there set down) to set out between the lord of a wood and his commoners (when they cannot agree) the lords part, which (being as neer a fourth part as can be laid out) the said lord or owner shall inclose or sell at his pleasure.

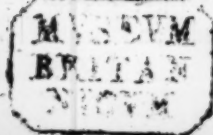
See *Comm.*

Wooll.

Stat. 1. & 3. P. & M. 13. Justices of P. about Hallifax in Yorkshire, have power to punish such of the inhabitants there, as having bought wooll, doe sell the same again in any other place, and not in Hallifax; or to the richer sort there, or to such as sell it again, and not to the poor to be wrought into yarn.

See *Actions popular, 18.*

Writs, S. Proceffe. Superfedeas.



FINIS.

r
b
d
)

ce
-
)
d
)
h
or

p.
to
a
in
or
it
in

s.